



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं० 28] नई दिल्ली, शनिवार, जुलाई 12, 1975/आषाढ़ 21, 1897  
No. 28] NEW DELHI, SATURDAY, JULY 12, 1975/ASADHA 21, 1897

इस भाग में मिल पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## भाग II—खण्ड 3—उप-खण्ड (ii)

### PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)  
केंद्रीय प्राधिकारियों द्वारा जारी किए गए साधारण आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India  
(other than the Ministry of Defence) by Central Authorities  
(other than the Administrations of Union Territories)

#### NOTICE

S.O. 2155.—The undermentioned Gazettes of India Extraordinary was/were published up to the.....1975:—

Issue No.	No. and Date	Issued by	Subject
1	2	3	4
1. एस०ओ० 1 (अ) दिनांक 1 जनवरी, 1975	भारत परिसीमन आयोग	आन्ध्र प्रदेश राज्य में संसदीय तथा विधान सभा निर्वाचन क्षेत्रों के परिसीमन के बारे में परिसीमन आयोग द्वारा किया गया प्रकाशन।	
1. S.O. 1 (E) dated 1st Jan. 1975	Delimitation Commission, India.	Order made by the Delimitation Commission in respect of the delimitation of parliamentary and assembly Constituencies in the State of Andhra Pradesh.	
2. एस०ओ० 2 (अ) दिनांक 1 जनवरी, 1975	भारत परिसीमन आयोग	तामिल नाडू राज्य में संसदीय तथा विधान सभा निर्वाचन क्षेत्रों के परिसीमन के बारे में परिसीमन आयोग द्वारा किया गया प्रकाशन।	
2. S.O. 2 (E) dated 1st Jan. 1975	Delimitation Commission, India.	Order made by the Delimitation Commission in respect of the delimitation of Parliamentary and Assembly Constituencies in the State of Tamil Nadu.	

(2453)

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3. एस०ओ० 3 (अ), दिनांक 1 जनवरी, 1975	वाणिज्य मंत्रालय	केन्द्रीय सरकार द्वारा वाणिज्य मंत्रालय के आदेश संख्या 9/67, दिनांक 1 अगस्त, 1967 का रद्द करना।	Central Govt. rescinds the Order No. 9/67, dated the 1st August 1967 of the Ministry of Commerce.
3. S.O. 3 (E) dated the 1st Jan. 1975	Ministry of Commerce.		
4. एस०ओ० 4 (अ), दिनांक 4 जनवरी, 1975	श्रम मंत्रालय	केन्द्रीय सरकार औद्योगिक विवाद से खाद्य निगम में हड़ताल को 4 जनवरी, 1975 से छः माह के लिए प्रति सिद्ध करती।	Central Govt. prohibits strike connection with industrial dispute in the Food Corporation for a period six month w.e.f. 4-1-75.
4. S.O.4(E), dated 4th Jan. 1975	Ministry of Labour.		
5. सा०नि० (अ) दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसरण में प्रत्येक व्यक्ति को इयूटी जो 8-1-75 से छह महीने के लिये हरियाणा में सक्रिय इयूटी होगी।	The duty of every person serving in Haryana for period of 6 months w.e.f. 8-1-75 as active service duty under the Border Security Force Act, 1968.
5. S.O.5(E), dated 4th January, 1975	Ministry of Home Affairs.		
6. सा०नि० 6 (अ), दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसार में प्रत्येक व्यक्ति की इयूटी जो 8-1-75 से छः मास के लिए राजस्थान में सक्रिय इयूटी होगी।	The duty of every person serving in Rajasthan for a period of 6 months w.e.f. 8-1-75 as active duty under the Border Security Force Act, 1968.
6. S.O.6(E) dated 4th Jan. 1975	Ministry of Home Affairs.		
7. सा०नि० 7 (अ), दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसरण में प्रत्येक व्यक्ति की इयूटी जो 8-1-75 से छः मास के लिए वेस्ट बंगाल में सक्रिय इयूटी होगी।	The duty of every person serving in West Bengal for a period of 6 months w.e.f. 8-1-75 as active duty under the Border Security Force Act, 1968.
7. S.O.7(E) dated 4th Jan. 1975	Ministry of Home Affairs.		
8. सा०नि० 8 (अ), दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसरण में प्रत्येक व्यक्ति की इयूटी 17-1-75 से छः मास के लिए बिहार में सक्रिय इयूटी होगी।	The duty of every person serving in Bihar for a period of 6 months w.e.f. 17-1-75 as active duty under the Border Security Force Act, 1975
8. S.O.8(E) dated 4th Jan. 1975	Ministry of Home Affairs.		
9. सा०नि० 9 (अ), दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसरण में प्रत्येक व्यक्ति की इयूटी जो 23-1-75 से छः मास के लिए दिल्ली में सक्रिय इयूटी होगी।	The duty of every person serving in Delhi for a period of 6 months w.e.f. 23-1-75 as active duty under the Border Security Force Act, 1975.
9. S.O.9(E) dated 4th Jan. 1975	Ministry of Home Affairs.		
10. सा०नि० 10 (अ), दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसरण में प्रत्येक व्यक्ति की इयूटी जो 25-1-75 से छः मास के लिए केरला में सक्रिय इयूटी होगी।	The duty of every person serving in Kerala for a period of 6 months w.e.f. 25-1-75 as active duty under the Border Security Force Act, 1968.
10. S.O.10(E) dated the 4th Jan. 1975	Ministry of Home Affairs.		
11. सा०नि० 11 (अ), दिनांक 4 जनवरी, 1975	गृह मंत्रालय	सुरक्षा दल अधिनियम, 1968 के अनुसरण में प्रत्येक व्यक्ति की इयूटी जो 31-1-75 से छः मास के लिए मेघालय में सक्रिय इयूटी होगी।	The duty of every person serving in Meghalaya for a period of 6 months w.e.f. 31-1-75 as active duty under the Border Security Force Act, 1968.
11. S.O.11(E) dated 4th Jan. 1975	Ministry of Home Affairs.		

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6. सांनि० 12 (अ), दिनांक 4 जनवरी, 1975	उद्योग और नागरिक पूर्ति मंत्रालय	केन्द्रीय सरकार द्वारा पेपर और जिजर मार्चेंट्स एसोसिएशन लिमिटेड, बम्बई को आगे मान्यता देना । -	
6. S.O.12(E) dated 4th Jan. 1975.	Ministry of Industry and Civil Supplies.	Further recognition of Pepper and ginger Marchants Association Ltd; Bombay by the Central Government.	
7. सांनि० 13 (अ), दिनांक 4 जनवरी, 1975	वित्त मंत्रालय	केन्द्रीय सरकार द्वारा श्री एन०एम० भट्ट, भूमपूर्व अध्यक्ष और प्रबंध निदेशक, बिननी लिमिटेड, मद्रास, को 15 अक्टूबर, 1976 तक भारतीय जीवन बीमा निगम का सदस्य नियुक्त करना ।	
7. S.O.13(E), dated 4th Jan. 1975.	Ministry of Finance.	Appointment of Shri N.S. Bhat formerly Chairmen and Managing Director, Binny Ltd., Madras as Member L.I. Corporation of India upto 15th October, 1976 by the Central Govt.	
8. सांनि० 14 (अ) दिनांक 4 जनवरी, 1975	कृषि और सिंचाई मंत्रालय	केन्द्रीय सरकार की पूर्व सहमति से भूत पूर्व कृषि मंत्रालय (खाद्य विभागों) की अधिसूचना सं० का० प्रा० 366 (ई) ता० 15-6-74 और सं० का० प्रा० 393 (ई) ता० 27-6-74 को विसर्जित करना ।	
8. S.O.14(E) dated 4th Jan. 1975.	Ministry of Agriculture and Irrigation.	Resinds of Notfn Nos. S.O.366(E) of 15-6-74 and S.O. 393(E) of 27-6-75 of late Ministry of Agriculture (Deptt. of Food) by the Central Government.	
9. सांनि० 15 (अ) दिनांक 6 जनवरी, 1975	वित्त मंत्रालय	केन्द्रीय सरकार द्वारा अधिसूचना सं० का० प्रा० 605 (ई) ता० 10-10-74 को संशोधित करना ।	
9. S.O.15(E) dated the 6th Jan. 1975.	Ministry of Finance.	Amendment of Notfn, No. S.O.-605 (E) of 10-10-74 by the Central Government.	
10. सांनि० 16 (अ) दिनांक 6 जनवरी, 1975	भारत निर्वाचन आयोग	गोवा, दमन और द्विच संघ-राज्य के रिटर्निंग आफिसर का पदामिहित करना ।	
10. S.O.16(E) dated 6th Jan. 1975.	Election Commission of India.	Designation of Returning Officer of Union territory of Goa, Daman & Diu.	
सांनि० 17 (अ), दिनांक 6 जनवरी, 1975	भारत निर्वाचन आयोग	गोवा, दमन और द्विच संघ-राज्य क्षेत्र के लिये सहायक रिटर्निंग आफिसर का नियुक्त करना ।	
S.O.17(E) Dated 6th Jan. 1975.	Election Commission of India.	Appointment of Assistant Returning Officers of the Union Territory of Goa, Daman & Diu.	
11. सांनि० 18 (अ), दिनांक 7 जनवरी, 1975	मंत्रिमंडल सचिवालय	केन्द्रीय सरकार द्वारा दिल्ली विशेष पुलिस स्थापना में अपराध निर्धारित करना ।	
11. S.O. 18(E) dated 7th Jan. 1975.	Cabinet Secretariat.	Specification of Offences by the Central Government of Delhi Special Police Establishment.	
सांनि० 19 (अ) दिनांक 7 जनवरी, 1975	मंत्रिमंडल सचिवालय	केन्द्रीय सरकार द्वारा दिल्ली विशेष पुलिस स्थापना के सदस्यों को शक्तियों एवं क्षेत्राधिकार का समस्त बिहार राज्य में विस्तार करना ।	
S.O.19(E) dated 7th Jan, 1975	Cabinet Secretariat	Extension of Powers and Jurisdiction of the Members of the Delhi Special Police Establishment to the Whole of the State of Bihar by the Central Govt.	

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12. का०आ० 20(अ), दिनांक 8 जनवरी, 1975	गृह मंत्रालय	दिल्ली नगर नियम (संशोधन) अधिनियम, 1974 को केन्द्रीय सरकार 1975 के जनवरी के 10वें दिन को उस तारीख के रूप में नियत करना।	Central Govt. appointing 10th Jan. 1975 to enforce the Delhi Municipal Corporation (Amendment) Act, 1974.
12. S.O.20(E) dated 8th Jan. 1975.	Ministry of Home Affairs.	का०आ० 21 (अ), दिनांक 8 जनवरी, 1975	गृह मंत्रालय
		S.O.21(E) dated the 8th Jan. 1975.	Ministry of Home Affairs.
13. सा०आ० 22(ई) दिनांक 8 जनवरी, 1975	गृह मंत्रालय	दिल्ली संघ राज्य क्षेत्र का प्रशासक को राष्ट्रपति निवेश करते हैं कि केन्द्रीय सरकार की शक्तियों का प्रयोग और कृतियों का पालन करें।	The President directs the Administrator of the Union territory of Delhi to exercise the powers and discharge the function of the Central Government.
13.S. O.22(E) dated the 8th Jan. 1975.	Ministry of Home Affairs.	13. सा०आ० 22(ई) दिनांक 8 जनवरी, 1975	गृह मंत्रालय
		13.S. O.22(E) dated the 8th Jan. 1975.	Ministry of Home Affairs.
14. सा०आ० 23 (ई) दिनांक 9 जनवरी, 1975	उद्योग और नागरिक पूर्ति मंत्रालय	चंडीगढ़ संघ राज्य क्षेत्र का प्रशासक को राष्ट्रपति निवेश करते हैं कि केन्द्रीय सरकार की शक्तियों का प्रयोग और कृत्यों का पालन करें।	The President directs the Administrator of the Union Territory of Chandigarh to exercise the powers and discharge the functions of the Central Government.
14. S.O.23(E) dated 9th Jan. 1975.	Ministry of Industry and Civil Supplies.	14. सा०आ० 23 (ई) दिनांक 9 जनवरी, 1975	उद्योग और नागरिक पूर्ति मंत्रालय
		14. S.O.23(E) dated 9th Jan. 1975.	Ministry of Industry and Civil Supplies.
15. सा०आ० 24(ई) दिनांक 10 जनवरी, 1975	वित्त मंत्रालय	केन्द्रीय सरकार द्वारा केन्द्रीय सलाहकार परिषद का सदस्य निर्वाचन करना।	Appointments of members of the Central Advisory Council by the Central Government.
15. S.O.24(E) dated the 10th Jan. 1975.	Ministry of Finance.	15. सा०आ० 24(ई) दिनांक 10 जनवरी, 1975	वित्त मंत्रालय
		15. S.O.24(E) dated the 10th Jan. 1975.	Ministry of Finance.

### विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधायी विभाग)

नई दिल्ली, 28 जून, 1975

का० आ० 2156.—वक्फ—दरगाह ख्वाजा साहब अधिनियम, 1955 (1955 का 36) की धारा 9 की उप धारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए और विधि, न्याय और कम्पनी कार्य मंत्रालय के विधायी विभाग में भारत सरकार की तारीख 20 जून, 1974 की अधिसूचना सं० 11/6/74—वक्फ के अनुक्रम में केन्द्रीय सरकार, दरगाह समिति, अजमेर के परामर्श से, कर्नाटक राज्य के सेव निवृत्त सहायक आयुक्त श्री एम० ए० मंसूरी को 29 जून, 1975 से तेईस दिन की अतिरिक्त अवधि के लिये दरगाह ख्वाजा साहब, अजमेर के नाजिम के रूप में इसके द्वारा नियुक्त करती है।

[सं० 11/6/74-वक्फ]

ई० वेंकटेश्वरन, निदेशक

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS  
(Legislative Department)

New Delhi, the 28th June, 1975

S.O. 2156.—In exercise of the powers conferred by sub-section (1) of section 9 of the Durgah Khawaja Sahab Act, 1955 (36 of 1955), and in continuation of the notification of

the Government of India in the Ministry of Law, Justice and Company Affairs, Legislative Department No. 11/6/74 Wakf dated the 20th June 1974, the Central Government, in consultation with the Durgah Committee, Ajmer, hereby appoints Shri M. A. Mansuri, Retired Assistant Commissioner, Karnataka State, as Nazim, Durgah Khawaja Sahab, Ajmer for further period of twenty-three days with effect on and from the 29th June, 1975

[No. 11/6/74-Wakf]

E. VENKATESWARAN, Director

(न्याय विभाग)

नोटिस

नई दिल्ली, दिनांक 1 जुलाई, 1975

का०आ० 2157.—इसके द्वारा, लेख्य प्रमाणक नियम (नोटरीज रूलस), 1956 के नियम 6 के अनुसार, सक्षम प्राधिकारी द्वारा सूचना दी जाती है कि उक्त प्राधिकारी को श्रीमती किरन बी० डेसाई, अधिवक्ता, 5, भारत कालोनी, सरदार पटेल कालोनी के समीप, ग्रहमदाबाद-14 ने उक्त नियमों के नियम 4 के अधीन, गुजरात राज्य में लेख्य प्रमाणक (नोटरी) का काम करने की नियुक्ति के लिये आवेदन-पत्र भेजा है।



उक्त व्यक्ति की लेख्य प्रमाणक के रूप में नियुक्ति के बारे में यदि कोई आपत्तियाँ हों तो वे इस नोटिस के प्रकाशित होने के चौदह दिन के अन्दर नीचे हस्ताक्षर करने वाले को लिख कर भेज दिये जायें।

[सं 22/57/74-न्याय  
के० त्यागराजन,

सक्षम प्राधिकारी और उप सचिव

(Department of Justice)

NOTICE

New Delhi, the 1st July, 1975

**S.O. 2157.**—Notice is hereby given by the Competent Authority in pursuance of rule 6 of the Notaries Rules, 1956, that application has been made to the said Authority, Under rule 4 of the said Rules, by Smt. Kiran V. Desai, Advocate, 5, Bharat Colony, Near Sardar Patel Colony, Ahmedabad-14, for appointment as a Notary to practice in the State of Gujarat.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this Notice.

[No. F. 22/57/74-Jus.]

K. THYAGARAJAN, Competent Authority & Dy. Secy.

भारत निर्वाचन आयोग

नई दिल्ली, 6 जून, 1975

आदेश

**क्र० आ० 2158.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए राजस्थान विधान सभा के लिये साधारण निर्वाचन के लिये 4-हनुमान गढ़ निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री नरेन्द्र कुमार, पुलिस कालोनी, पोस्ट नं० 4, हनुमान गढ़, राजस्थान, लोक प्रतिनिधित्व अधिनियम 1951 तथा तद्घोष बनाये गये नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने, उसे सम्बन्ध सूचनायें दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या व्यायोजित नहीं हैं;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री नरेन्द्र कुमार को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० राज०-वि०स०/4/72(54)]

ELECTION COMMISSION OF INDIA

New Delhi, the 6th June, 1975

ORDER

**S.O. 2158.**—Whereas the Election Commission is satisfied that Shri Narendar Kumar, Police Colony, Ward No. 4, Hanumangarh, Rajasthan a contesting candidate for General Elections to the Rajasthan Legislative Assembly held in March 1972 from 4-Hanumangarh constituency has failed to lodge an account of his election expenses within the time

and in the manner required by the Representation of the People Act 1951 and the Rules made thereunder;

2. And whereas the said candidate, even after due notices, has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Narendar Kumar to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/4/72(54)]

आदेश

**क्र० आ० 2159.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए मध्य प्रदेश विधान सभा के लिये साधारण निर्वाचन के लिये 148-राजनंदगांव निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अभय चैतन्य ब्रह्मचारी, ग्राम वीरुटोला तहसील खुखुआदान, राजनंदगांव, जिला दुर्ग लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्घोष बनाये गये नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार ने, उसे सम्बन्ध सूचना दिये जाने पर भी अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या व्यायोजित नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री अभय चैतन्य ब्रह्मचारी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है।

[सं० म०प्र०-वि०स०/148/72(71)]

ORDER

**S.O. 2159.**—Whereas the Election Commission is satisfied that Shri Abhay Chatenya Bramhchari, Village Birutola, Tahsil Chhukhadan, Rajnandgaon, Distt. Durg who was a contesting candidate for election to the Madhya Pradesh Legislative Assembly from 148-Rajnandgaon constituency held in March, 1972 has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abhay Chatenya Bramchari to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. MP-LA/148/72(71)]

आदेश

**क्र० आ० 2160.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 271-रामगढ़ निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री

राम चरण मुन्डा, ग्राम बलकुद्रा पो० जयनगर, बिहार लोक प्रतिनिधित्व अधिनियम 1951 तथा तत्संबंधी बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यित्य नहीं है;

अतः अब, उक्त अधिनियम, की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री राम चरण मुन्डा को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने के और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०सं०/271/72(192)]

#### ORDER

**S.O. 2160.**—Whereas the Election Commission is satisfied that Shri Ram Charan Munda, Village Balkudra, Hazaribagh who was a contesting candidate for election to the Bihar Legislative Assembly from 271-Ramgarh constituency held in March, 1972 has failed to lodge an account of his election expenses within the time and in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And, whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he had no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Ram Charan Munda to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/271/72/(192)]

#### आदेश

**क्र० आ० 2161.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 270-निरसा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री बलेश्वर राय, ग्राम-पो० कुमारबुडी, धनबाद लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यित्य नहीं है;

अतः अब, उक्त अधिनियम, की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री बलेश्वर राय को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०सं०/279/72 (193)]

#### ORDER

**S.O. 2161.**—Whereas the Election Commission is satisfied that Shri Valeshwar Roy, Village and P. O. Kumardhubhi, Dhanbad who was a contesting candidate for election to the Bihar Legislative Assembly from 279-Nirsa constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Valeshwar Roy to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/279/72(193)]

#### आदेश

**क्र० आ० 2162.**—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 279-निरसा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री चुड़ामम महतो, ग्राम हुमौरभोड़, धनबाद लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या व्याख्यित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री चुड़ामम महतो को संसद् के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[सं० बिहार-वि०सं०/279/72 (194)]

#### ORDER

**S.O. 2162.**—Whereas the Election Commission is satisfied that Shri Churamam Mahto, Village Dumarjore, Dhanbad who was a contesting candidate for election to the Bihar Legislative Assembly from 279-NIRSA constituency held in March, 1972 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Churamam Mahto to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/279/72(194)]

## आदेश

का० प्रा० 2163.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 279-निरसा निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री अभया चरण तिवारी ग्राम बनागड़िया, थाना निरसा धनबाद लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अवेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और निर्वाचन आयोग का यह भी समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री अभया चरण तिवारी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० बिहार-वि०स०/279/72(195)]

## ORDER

S.O. 2163.—Whereas the Election Commission is satisfied that Shri Abhaya Charan Tewary, Village Benagaria, Thana Nirsar, Dhanbad who was a contesting candidate for election to the Bihar Legislative Assembly from 279-NIRSA constituency held in March, 1972 has failed to lodge an account of his election expenses in the manner as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Abhaya Charan Tewary to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/279/72(195)]

## आदेश

का० प्रा० 2164.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 100-सरायरजन निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री सुरेश चौरसिया, ग्राम-पो० पतौली, जिला दरभंगा लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाए गए नियमों द्वारा अवेक्षित अथवा अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उनके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री सुरेश चौरसिया को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है।

[स० बिहार-वि०स०/100/72 (200)]

## ORDER

S.O. 2164.—Whereas the Election Commission is satisfied that Shri Suresh Chaurasia, village and P. O. Pataili, District Darbhanga who was a contesting candidate for election to the BIHAR Legislative Assembly from 100-Sarairanjan constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Suresh Chaurasia to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/100/72(200)]

नई दिल्ली, 10 जून, 1975

## आदेश

का० प्रा० 2165 यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए राजस्थान विधान सभा के लिये साधारण निर्वाचन के लिये 154-आबू निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री हीरा लाल मार्फत राणा टेलर्स, आबू रोड, जिला सिरौही, राजस्थान लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्दीन बनाये गये नियमों द्वारा अवेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः उक्त उम्मीदवार ने उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा में 10-क के अनुसरण में निर्वाचन आयोग एतद् द्वारा उक्त श्री हीरा लाल को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[स० राज०-वि०स०/154/72(55)]

## ORDER

New Delhi, the 10th June, 1975

S.O. 2165.—Whereas the Election Commission is satisfied that Shri Hira Lal, C/o Rana Tailors, Abu Road, District Sirohi, Rajasthan a contesting candidate for General Election to the Rajasthan Legislative Assembly held in March, 1972 from 154-Abu constituency has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951 and the Rules made thereunder;

2. And, whereas, the said candidate, even after due notices has not given any reason or explanation for the failure and the Election Commission is further satisfied that he has no good reason of justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Hira Lal to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/54/72(55)]

आदेश

क्र० प्रा० 2166.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए राजस्थान विधान सभा के लिये साधारण निर्वाचन के लिये 154-आबू निर्वाचन क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री रामा सुपुत्र श्री देवा, गांव तथा डाकखाना नीचलागढ़, जिला सिरोंही, राजस्थान लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाये गये नियमों द्वारा अपेक्षित रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं;

और, यतः, उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिये कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिये कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः, अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री रामा को संसद के किसी भी सदन या किसी राज्य की विधान-सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिये निरहित घोषित करता है ।

[सं० राज०-वि०स०/154/72(56)]

ORDER

S.O. 2166.—Whereas the Election Commission is satisfied that Shri Rama S/o Shri Deva, Village and Post Office Nichalgarh, District Sirohi, Rajasthan, a contesting candidate for General Election to the Rajasthan Legislative Assembly held in March, 1972 from 154-Abu constituency has failed to lodge an account of his election expenses in the manner required by the Representation of the People Act 1951 and the Rules made thereunder;

And, whereas, the said candidate, even after due notices has not given any reason or explanation for the failure; and the Election Commission is further satisfied that he has no good reason or justification for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rama to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. RJ-LA/154/72(56)]

आदेश

नई दिल्ली 21 जून, 1975

क्र० प्रा० 2167.—यतः, निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए साधारण निर्वाचन के लिए 273-जरीडोह निर्वाचन-क्षेत्र से चुनाव लड़ने वाले उम्मीदवार श्री शिव चरन मांझी, ग्राम रोरौ, हजारीबाग लोक प्रतिनिधित्व अधिनियम, 1951 तथा तद्धीन बनाए गए नियमों द्वारा अपेक्षित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं;

और, यतः उक्त उम्मीदवार ने, उसे सम्यक सूचना दिये जाने पर भी, अपनी इस असफलता के लिए कोई कारण अथवा स्पष्टीकरण नहीं दिया है, और, निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री शिव चरन मांझी को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि०स०/1273/72 (2815)]

ए० एन० सैन, सचिव

ORDER

New Delhi, the 21st June, 1975

S.O. 2167.—Whereas the Election Commission is satisfied that Shri Sheo Charan Manjhi Village Rorau District Hazaribagh, Bihar who was a contesting candidate for election to the Bihar Legislative Assembly from 273-JARIDIH constituency held in March, 1972 has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas, the said candidate even after the due notice has not given any reason or explanation for the failure and the Election Commission is satisfied that he has no good reason or justification for such failure;

Now therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Sheo Charan Manjhi to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/273/72(201)]

A. N. SEN, Secy.

New Delhi, the 2nd July, 1975

S.O. 2168.—In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgment, dated 12 June, 1975 of the High Court of Judicature at Allahabad in Election Petition No. 5 of 1971.

IN THE HIGH COURT OF JUDICATURE AT  
ALLAHABAD

CIVIL SIDE

ORIGINAL JURISDICTION

DATED : ALLAHABAD THE 12TH DAY OF JUNE, 1975

PRESENT

The Hon'ble J. M. L. Sinha.....Judge.

ELECTION PETITION NO. 5 OF 1971

Order on the petition of Sri Raj Narain.....Petitioner.

IN RE :—

Sri Raj Narain, son of Sri Anant Prasad Singh, Resident of Village Gaujari, Post Gangapur, District Varanasi. ....  
Petitioner.

Versus

1. Smt. Indira Nehru Gandhi, daughter of Pt. Jawaharlal Nehru, resident of 1, Motilal Nehru Road (Purbi Bhag), Allahabad (at present resident at No. 1 Safdarjang Road, New Delhi).

2. Swami Advaita Nand, son of Sri Brahma Nand, resident of 13, North Avenue, M.P.'s Flat, New Delhi. ....  
Respondents.

BY THE COURT :

(Reserved Judgment)

JUDGMENT

IN

ELECTION PETITION NO. 5 of 1971  
connected with

WRIT PETITION NO. 3761 OF 1975

PRESENT

The Hon'ble J.M.L. Sinha.—Judge.

Delivered

on

12th June, 1975

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(Reserved Judgment)

ELECTION PETITION NO. 5 OF 1971

connected with

WRIT PETITION NO. 3761 OF 1975

The Hon'ble J. M. L. Sinha. .... Judge.

In the elections that took place for the Lok Sabha in 1971, Sri Raj Narain (hereafter to be called the petitioner) and Shrimati Indira Nehru Gandhi (hereafter to be called the respondent no. 1) were the principal contenders from 22 Rae Bareilly parliamentary constituency. The other two candidates in the field were Rameshwar Dutta Mandov and Swami Advaitanand. The respondent no. 1 obtained 1,83,309 votes. The petitioner got 71,499 votes, Rameshwar Dutta Mondoy and Swami Advaitanand got 4,839 and 16,627 votes respectively. The respondent no. 1 was accordingly declared elected. The petitioner has filed the present petition, challenging the election of respondent no. 1. Shorn of the grounds not pressed or adhered to, the rest of the grounds on which the election has been challenged are as follows :—

45 GI/75—2

(1) That the respondent no. 1 held herself out as a prospective candidate from 22 Rae Bareilly constituency immediately after the dissolution of the Lok Sabha on 27th November, 1970 and that, for the furtherance of her election prospects, she obtained and procured the assistance of Sri Yashpal Kapur, a Gazetted officer in the Government of India holding the post of Officer on Special Duty, and thereby the respondent no. 1 committed a corrupt practice under section 123(7) of the Representation of the People Act, 1951.

(2) That the respondent no. 1 and her election agent procured the assistance of members of the Armed Forces of the Union for furtherance of her election prospects, inasmuch as the members of the Armed Forces arranged planes and helicopters of the Air Force at her instance for her flights to enable her to address meetings in her constituency, and thereby the respondent no. 1 committed another corrupt practice under section 123(7) of the Representation of the People Act.

(3) That the respondent no. 1 and her election agent also obtained and procured the assistance of a number of Gazetted officers and members of the Police Force for the furtherance of her election prospects, inasmuch as the services of the District Magistrate, Rae Bareilly, the Superintendent of Police Rae Bareilly and the Home Secretary, U.P. Government were utilised for the purposes of—

(a) construction of rostrums and installation of loudspeakers at various places within the constituency where the respondent No. 1 addressed her election meetings;

and

(b) making arrangements of barricading and posting of police personnel on the routes by which the respondent no. 1 was to travel in her constituency and at the places where she was to address meetings, in order to give publicity to her visits and to attract larger crowds, and thereby the respondent no. 1 committed another corrupt practice under section 127(7) of the Representation of the People Act.

(4) That Sri Yashpal Kapur, the election agent of respondent no. 1, and her other agents with the consent of Sri Yashpal Kapur, freely distributed quilts, blankets, dhotis and liquor among the voters to induce them to vote for her and thereby the respondent no. 1 committed the corrupt practice of bribery under section 123(1)(A)(b)(ii) of the Representation of the People Act.

(5) That the respondent no. 1 and her election agent made extensive appeals to the religious symbol of cow and calf and thereby committed a corrupt practice under section 123(3) of the Representation of the People Act.

(6) That Sri Yashpal Kapur, the election agent of respondent no. 1, and some other agents or persons with his consent hired and procured a number of vehicles for the free conveyance of electors to the polling stations and thereby committed a corrupt practice under section 123(5) of the Representation of the People Act.

(7) That the respondent no. 1 and her election agent incurred or authorised expenditure in contravention of section 77 of the Representation of the People Act and thereby committed a corrupt practice under section 123(6) of the Representation of the People Act.

The respondent no. 1, denying the aforesaid allegations made against her, pleaded :—

(1) That Sri Yashpal Kapur resigned from his post on 13th January 1971 and the resignation was accepted with effect from 14th January 1971, in regard to which a notification dated 25th January 1971 was issued by the Prime Minister's Secretariat. In the Additional Written statement it was added that Shri P. N. Haksar the then Secretary to the Prime Minister told Sri Yashpal Kapur on the same date, on which the resignation was tendered, that it was accepted and that formal orders would follow.

(II) That Sri Yashpal Kapur became her election agent on 4th of February 1971, and that during the period he was Gazetted officer in the Government of India he did not do any work in furtherance of her election prospects.

(III) Referring to the use of planes and helicopters of the Air Force, the respondent no. 1 admitted that on 1st of February, 1971 she went by a plane of the Air Force from Delhi to Lucknow, from where she went by car to Rae Bareilly, addressing meetings enroute. She further admitted that on 24th February 1971 she went by a helicopter of the Air Force to Gonda on regular party work and that from there she went by car to Lucknow, Unnao and Rae Bareilly, addressing public meetings in several constituencies besides her own. She referred to the Pillai Committee Report and the Office Memorandums issued by the Government of India, to plead that the aforesaid flights were made by her in compliance thereof. It was further pleaded by her that, under the rules, bills for those flights were to be paid by the A.I.C.C. and most of them had already been paid. According to her, neither did she nor her election agent solicit, require or order the use of Air Force planes, and that the Government of India provided the planes as part of their normal duty.

(IV) That the respondent or her election agent did not obtain the assistance of the District Magistrate, Rae Bareilly and the Superintendent of Police, Rae Bareilly nor that of the Home Secretary, U.P. Government for any of the purposes alleged in the petition. She then referred to the instructions issued by the Comptroller and Auditor General of India dated 29th November 1958 to the Accountant Generals of all the states, as also to the letter dated 12th January 1959 issued by the Government of India. She then pleaded that the arrangements for posting of police on the routes which she followed and the arrangements of rostrums were made by the State Government itself in compliance of those instructions. In regard to the loudspeakers, she pleaded that they were arranged by the District Congress Committee and not by the officers of the State Government. Respondent no. 1 denied that any directions or instructions in that regard were issued by her or her election agent.

(V) That allegations regarding distribution of blankets, dhotis and liquor were absolutely false.

(VI) Referring to the symbol of cow and calf, the respondent no. 1 pleaded that—

- (a) it was not a religious symbol and that it was wrong that extensive appeals were made by her or her election agent to that symbol. She added that she and her election agent merely informed the voters that the symbol of Congress(R) was cow and calf and that the voting mark should be put against that symbol,

and

- (b) the decision of the Election Commission allotting the symbol of cow and calf to her party was final and could not be made a ground of attack, nor can the Court go into that question, in the present proceedings.

(VII) That the allegations regarding hiring and procuring of vehicles and the use thereof for conveyance of the voters to the polling stations were false.

(VIII) That the allegation that the respondent no. 1 or her election agent incurred expenditure in excess of the prescribed limit was also wrong.

On the pleadings of the parties one set of issues was framed by the Court on 19th of August 1971. Three additional issues were framed on 27th April, 1973. These issues are as follows :—

#### ISSUES

(i) whether respondent no. 1 obtained and procured the assistance of Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the services of Government of India. If so from what date.

(2) Whether at the instance of respondent no. 1 members of the Armed Forces of the Union arranged Air Force planes and helicopters for her, flown by members of the Armed

Forces, to enable her to address election meetings on 1-2-1971 and 25-2-1971; and if so whether this constituted a corrupt practice under section 123(7) of the Representation of the People Act.

(3) Whether at the instance of respondent no. 1 and her election agent Yashpal Kapur, the District Magistrate of Rae Bareilly, the Superintendent of Police of Rae Bareilly and the Home Secretary of U.P. Government arranged for rostrums, loudspeakers and barricades to be set up and for members of the Police Force to be posted in connection with her election tour on 1-2-1971 and 25-2-1971; and if so, whether this amounts to a corrupt practice under section 123(7) of the Representation of the People Act.

(4) Whether quilts, blankets, dhotis and liquor were distributed by agents and workers of respondent no. 1, with the consent of her election agent Yashpal Kapur, at the places and on the dates mentioned in Schedule A of the petition in order to induce electors to vote for her.

(5) Whether the particulars given in paragraph 10 and Schedule A of the petition are too vague and general to afford a basis for allegations of bribery under section 123(1) of the Representation of the People Act.

(6) Whether by using the symbol of cow and calf, which had been allotted to her party by the Election Commission, in her election campaign the respondent no. 1 was guilty of making an appeal to a religious symbol and committed a corrupt practice as defined in section 123(3) of the Representation of the People Act.

(7) Whether on the dates fixed for the poll voters were conveyed to the polling stations free of charge on vehicles hired and procured for the purpose by respondent no. 1's election agent Yashpal Kapur, or other persons with his consent, as detailed in Schedule B to the petition.

(8) Whether the particulars given in paragraph 12 and Schedule B of the petition are too vague and general to form a basis for allegations regarding a corrupt practice under section 123(5) of the Representation of the People Act.

(9) Whether respondent no. 1 and her election agent Yashpal Kapur incurred or authorised expenditure in excess of the amount prescribed by section 77 of the Representation of the People Act, read with rule 90, as detailed in para 13 of the petition.

(10) Whether the petitioner had made a security deposit in accordance with the rules of the High Court as required by section 117 of the Representation of the People Act.

(11) To what relief, if any, is the petitioner entitled

#### ADDITIONAL ISSUES

(1) Whether respondent no. 1 obtained and procured the assistance of Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the service of the Government of India. If so, from what date?

(2) Whether respondent no. 1 held herself out as a candidate from any date prior to 1-2-1971 and if so, from what date?

(3) Whether Yashpal Kapur continued to be in the service of Government of India from and after 14-1-1971 or till which date?

During the pendency of the election petition in this Court, the Parliament amended section 77 of the Representation of the People Act by Ordinance No. XIII of 1974, which has now been replaced by Act No. 58 of 1974. The petitioner has filed Writ Petition No. 3761 of 1975, challenging the vires of the Amending Act, and that writ petition has been connected with the present election petition. The writ petition can have a bearing only on issue No. 9. I shall therefore, address myself on the contentions raised on either

side in the writ petition while dealing with issue no. 9. The respondents impleaded in the writ petition are the Union of India and Smt. Indira Nehru Gandhi (respondent no. 1 in the election petition).

### FINDINGS

#### ISSUE NO. 2 :

It is the admitted case of the parties that on 1st of February 1971 the respondent No. 1 travelled by an I.A.F. plane from Delhi to Lucknow, from where she went by car to Rae Bareilly and that, besides filing her nomination paper at Rae Bareilly, she also made election speeches at various places in her constituency. It is also not disputed that on 24th of February 1971 the respondent No. 1 went by an I.A.F. helicopter from Delhi to Gonda, from where she went by car to Rae Bareilly (via Unnao and Lucknow) reaching Rae Bareilly on 25th February 1971; and that on the said date she also delivered election speeches at various places inside her constituency. According to the allegation contained in the petition, the respondent No. 1 thereby procured the assistance of members of the Armed Forces of the Union for furthering the prospects of her election, which is a corrupt practice under section 123(7) of the Representation of the People Act.

At the time of argument learned counsel for the petitioner stated that since on 24th February 1971 the respondent No. 1 travelled by an I.A.F. helicopter to Gonda, it is possible to contend that the said journey was made by the respondent for party work and not to further her own election prospects and, consequently, the fact of the respondent No. 1 using an I.A.F. helicopter on 24th February 1971 can be excluded from consideration under this issue. Learned counsel, however, stressed that the journey made by the respondent No. 1 on 1st of February 1971 by an I.A.F. plane from Delhi to Lucknow was to enable her to file her nomination paper at Rae Bareilly and to deliver election speech in her constituency and, consequently, that should constitute a corrupt practice under section 123(7) of the Act.

The contention of the respondent No. 1 in reply thereto is two-fold:—

- (a) that the respondent No. 1 or her election agent did not solicit, require or order the use of the Air Force plane (para 12(d) of the written statement); and
- (b) that in view of the Pillai Committee Report, and the Office Memorandums issued on its basis from time to time, the Government provided an aero-plane for her journey as part of their normal duty and, consequently, the fact of the respondent having travelled by an I.A.F. plane from Delhi to Lucknow on 1-2-1971 cannot constitute a corrupt practice.

Now, so far as the first part of the contention is concerned, it is not possible to accept it. The Office Memorandum, dated 17th August 1968 (Exh. 126) was issued when the respondent No. 1 was the Prime Minister. This Office Memorandum was also operative on 1st of February 1971 when the impugned flight was made by the respondent No. 1. Under this Office Memorandum, read along with the previous Memorandums, and the Pillai Committee Report, the respondent No. 1, as Prime Minister of the country, was entitled to make use of an I.A.F. aircraft while travelling for non-official purposes as well. In answer to interrogatory no. 24 it was admitted on behalf of the respondent no. 1 that she was aware of the existence of the Government Order and the substance thereof. Even during her deposition in Court the respondent no. 1 admitted that when the Prime Minister goes on an election tour, a plane of the Indian Air Force is put at her disposal and that such plane is flown by members of the Indian Air Force. The respondent no. 1 further admitted during her deposition that though the tour programmes concerning the party work are sent by the All India Congress Committee, they are finalised after her approval is obtained. According to Sri Seshan (P. W. 53), Private Secretary to the respondent no. 1, instructions are sent from the Prime Minister's Secretariat to the Air Headquarters for arranging for an I.A.F. aeroplane for the tour of the Prime Minister, even when the tour is non-official, and it is then the duty of the Air Headquarters to arrange for the same. Wing Commander K. G. Mohan Chand

(P.W. 49), Deputy Director, Air Traffic Control & Co-ordinating Officer, V.I.P.'s, Air Headquarters stated during his cross-examination made on behalf of respondent no. 1:—

"It is correct that on receipt of the tour programme of the Prime Minister it is my duty to arrange for the aircraft according to her programme on the basis of the Standing Order of the Government of India."

Since the tour programme is sent from the Secretariat of respondent no. 1, after her approval is obtained, since the respondent no. 1 as Prime Minister full well knew that thereafter it was the duty of the Air Headquarters to place a plane at her disposal, there is no escape from the conclusion that, by sending the tour programmes to the Air Headquarters, the respondent no. 1 required an I.A.F. plane being placed at her disposal. The fact that the respondent no. 1 did not require any particular plane being placed at her disposal is not material. It may not be out of place to add here that in answer to interrogatory no. 27 the respondent no. 1 admitted that the aircraft and helicopter used by her on 1st February 1971 and 24th and 25th February 1971 were flown by members of the Air Force. During her deposition in Court also she stated that when she boarded the plane on 1st of February 1971 in order to make her journey from Delhi to Lucknow, she was aware that the plane was to be flown by the members of the Indian Air Force.

It should, therefore, be accepted that a plane of the Indian Air Force, manned by Armed Forces of the Union, was placed at the disposal of the respondent no. 1 on 1st of February 1971 at her instance for her flight from Delhi to Lucknow and the respondent no. 1 thus did obtain the assistance of the members of the Armed Forces of the Union, who constituted the crew on the I.A.F. plane.

This takes me to the second limb of the contention raised on behalf of the respondent no. 1, namely, whether the aforesaid assistance of the Armed Forces of the Union was obtained by the respondent no. 1 in furtherance of her election prospects, or the Government placed the plane at her disposal as part of their normal duty, in view of the Pillai Committee Report and the Office Memorandum issued on the basis thereof.

It will be convenient first to refer to the Pillai Committee Report and the Office Memorandums issued on the basis thereof.

A copy of the Pillai Committee Report has been filed by Sri V. Srikantan (R. W. 4), Deputy Secretary, Ministry of Defence, Government of India. It is Exh. A-22 on record and is dated 17th October 1971. In para 12 thereof it is stated:—

"The position of the Prime Minister is for a different reason also special. Whether at headquarters or away from it in camp or in transit, the disposal of public business must have first claim on his time and attention. It is, therefore, clearly in the public interest to ensure, that when he goes on tour the arrangements for his travel are such as would eliminate the long irritating delays which, depended on normal modes of public transport, inevitably entails. It is equally necessary to ensure that during the journey adequate facilities are provided for him for the transaction of official business. For these as well as security reasons which are no less important, we consider that the Prime Minister should use the I.A.F. aircraft for all journeys by air."

In para 13 of the interim report it is said that there may be occasions 'when the object of a journey undertaken by the Prime Minister may be prominently connected with the work relating to the party of which he is a leader.'

In para 14 of the interim report the Committee examined as to on what terms the I.A.F. aircraft may be employed on journeys undertaken by the Prime Minister otherwise on official duty.

It will thus transpire on a perusal of the interim report of the Pillai Committee that, while referring to the unofficial tours to be made by the Prime Minister by the I.A.F. Aircraft, the Committee had in mind, in all probability, the

work relating to the party of which the Prime Minister happens to be the leader, and not the work exclusively and personally relating to the Prime Minister.

On 20th October 1951 the Ministry of Defence issued a press note (Exh. A-23) on the basis of the interim report of the Pillai Committee. After highlighting what was stated in the interim report of the Pillai Committee about the desirability of the Prime Minister travelling by an I.A.F. aircraft, it stated:—

"The Prime Minister, in his capacity as the leader of his political party, recently had, and will in future continue to have, occasion to undertake journeys by air for other than official purposes. The nature of the journey on such occasions is different from normal official tours, but the Prime Minister cannot on this account divest himself, for the period of the journey, of his position and responsibility as head of the Government. The business of the Government never comes to stand still and the Prime Minister is never off duty. Whatever the character of the journey performed by him, the need for eliminating delays in travel, for providing facilities for the transaction of official business during the journey and for making suitable security arrangements remains unchanged. It is, therefore, desirable that, even for journeys by air for other than official purposes, the Prime Minister should, as far as possible, travel by I.A.F. Aircraft."

From the underlined portion occurring in the aforesaid press note it will appear that even in this press note, while referring to the non-official tours, what the Ministry of Defence had in its mind were the tours made by the Prime Minister in his capacity as the leader of his party.

Exh. A-24 is the final report of the Pillai Committee and is dated 20th May 1953. It only refers to its interim report, so far as the use of the I.A.F. Aircraft by the Prime Minister is concerned. Exh. 126 is the Office Memorandum dated 17th August 1968, which was issued in supersession of the previous Memorandums, (Which it is not necessary to refer Para II (d) thereof reads as follows :—

"The aircraft of the V.I.P. flight are to be used on official duty only. In the case of the Prime Minister, it is necessary that, even on occasions when he/she has to undertake journeys mainly for reasons other than official duties, he or she would be able to travel by I.A.F. Aircraft for the due performance of his/her duties as the head of the Government as well as for reasons of security."

A cumulative reading of all the aforesaid papers gives an impression that, while referring to non-official purposes, what was conceived was the work of the party to which the Prime Minister belonged and not the work relating exclusively to the Prime Minister.

Assuming, however, that the flights for non-official purposes, referred to in the interim report of the Pillai Committee and the Office Memorandums, also included lights made by the Prime Minister for works exclusively relating to him, it cannot be ignored that the interim report of the Pillai Committee had an advisory nature and the press note and Office Memorandums relied upon by the respondent are mere administrative orders. Nothing contained therein can render the provisions contained in the Representation of the People Act nugatory. If a Prime Minister used the I.A.F. Aircraft for official purposes, obviously such use cannot be in conflict with section 123(7) of the Representation of the People Act. Similarly, if a Prime Minister used the I.A.F. Aircraft for the political work of the party, that too will not be in conflict with the aforesaid provision contained in the Representation of the People Act. If, however, the Prime Minister uses an aircraft exclusively for the purposes of frequently flying to his/her constituency during the period of his/her election with the sole purpose of doing election propaganda, it has the potentiality of violating the provision contained in section 123(7) of the Representation of the People Act, for, by making use of the I.A.F. Aircraft for frequently flying into his/her constituency as a candidate he/she avails of the means for quick and speedy movement in his/her election campaign. The aircraft being manned by

the Armed Force of the Union, the use thereof under such circumstances can fall within the mischief of section 123(7) of the Act. Neither the interim Pillai Committee Report nor the Office Memorandums referred to by respondent no. 1 can under such circumstances salvage the position.

Learned counsel for respondent no. 1 referred me to Article 298 of the Constitution and urged that it was within the executive power of the Union to establish a commercial wing of the I.A.F. Aircraft for the exclusive use of the Prime Minister and a couple of other dignitaries of the Government. Learned counsel pointed out that according to Office Memorandum dated 3rd December 1951 (Exh. 125) as well as Office Memorandum dated 17th August 1968 (Exh. 126) fare for the air journeys made by the Prime Minister for other than official purposes was recoverable at the rate specified in the said Memorandums, and it should, therefore, be accepted that, while permitting the use of the I.A.F. planes by the Prime Minister for other than official purposes, the Union in exercise of its executive power established a commercial wing of the I.A.F. Aircraft for the use of the Prime Minister. Learned counsel respondent no. 1 urged that, in that view of the matter, use of the I.A.F. Aircraft by the Prime Minister for any purpose whatsoever cannot be violative of section 123(7) of the Representation of the People Act. I have given my careful thought to the argument raised, but I am unable to accept it. It is true under Article 298 of the Constitution the Union can, in exercise of its executive power, indulge in commercial activities and it can while doing so also establish air service. That should, however, be an independent service open to all and sundry. Permitting the use of the I.A.F. aircraft to the Prime Minister only for non-official purposes on payment of certain fare cannot be construed as establishing a commercial wing of the Air Force by the Union in exercise of its executive power under Article 298 of the Constitution. It only means extending a special privilege to the Prime Minister. Article 298 of the Constitution can have no application to it.

Learned counsel for respondent no. 1 then referred me to the Full Bench decision of the Delhi High Court in the case *Prakashvir Shastri and others v. Union of India and others* (A.I.R. 1974 Delhi 1) and urged that the validity of the Office Memorandum dated 17th of August 1968 has been upheld in that case. The validity of the said memorandum in that case however, was examined vis-a-vis Article 14 of the Constitution and not vis-a-vis any provision contained in the Representation of the People Act. The case referred to by learned counsel for the respondent no. 1 has, therefore, no bearing on the point in issue before me and, consequently, no reliance can be placed by the respondent no. 1 on that decision.

The question that, however, still remains to be considered is whether on the facts of this case it can be said that, in obtaining the services of the Armed forces of the Union, who manned the Aircraft by which the respondent no. 1 travelled on 1st of February 1971 from Delhi to Lucknow, she obtained their assistance for the furtherance of her prospects in the election.

The petitioner filed copies of some tour programmes of the respondent no. 1, besides examining Wing Commander K. G. Mohan Chand (P.W. 49), who filed office copy of the bill relating to the flight made by respondent no. 1 on 1st of February 1971 from Delhi to Lucknow. On the basis thereof the petitioner sought to make out that the said flight was made by respondent no. 1 only to reach Rae Bareilly to file her nomination paper and do her election propaganda. A perusal of the record, however, reveals that factually it was not so. The petitioner himself filed copy of a letter dated 27th January 1971 (Exh. 27) from the Under Secretary, U.P. Government to the District Magistrate, Lucknow, the District Magistrate, Rae Bareilly, the Estates Officer, Lucknow, the Commissioner, Lucknow and the Inspector General of Police, Lucknow. Along with this letter is annexed a copy of the tour programme of the respondent no. 1. A perusal of this tour programme shows that on the 2nd of February 1971, on her return from Rae Bareilly to Lucknow, the respondent no. 1 was to fly by the A.I.F. Aircraft to Panagarh. Sri N. K. Seshan (P.W. 53), Private Secretary to the Prime Minister, produced in Court a file which, inter alia, contained the bill for the non-official journeys made by the respondent no. 1 in the I.A.F. Aircraft from 1st of February 1971 to 7th of February 1971. Sri Seshan stated that this bill was prepared by his office on the basis of the bill received from the Air Headquarters. These bills were flagged by Sri



Seshan as 'B' and 'X' respectively. It is true that these bills were not got marked as exhibits. The fact, however, remains that the file was produced in Court in the presence of counsel for the petitioner and counsel for the respondent no. 1 and Sri Seshan made the required statement in regard to those bills. Consequently there can be no valid objection to reference being made to those bills. That apart, Raj Kumar Singh (P.W. 56), In Charge Legal Affairs Department and Assistant Secretary, Parliamentary Affairs of All India Congress Committee, also produced in Court a file containing the tour programme of the respondent no. 1 for the period from 1st of February 1971 to 7th of February 1971. That tour programme was admitted by the respondent no. 1 and got formally exhibited in the case (Exh. A-64). The aforesaid documents clearly revealed that on 1st of February 1971 the respondent no. 1 set out from Delhi on an extensive election tour of the country, visiting a number of places, including Lucknow, Panagarh, Shantiniketan, Serampur, Kaikunda, Calcutta, Bahrapur, Krishna Nagar, Teetagarh, Gauhati, Agartala, K. gram, Silchar, Mohanbari, Rawriah, Roopsi, Kooch Behar, Purnea, Raiganj and Malda. Since the respondent no. 1 had to file her nomination paper at Rae Bareilly during the same period, she landed at Lucknow and drove from there to Rae Bareilly for that purpose. After filing her nomination paper and delivering a few speeches, both inside and outside her constituency, she came back to Lucknow to resume her flight onwards on her election tour.

In the context of the aforesaid facts, it cannot be held that by flying in the I.A.F. Aircraft on 1st of February 1971 the respondent no. 1 obtained the assistance of the Armed Forces of the Union for furtherance of her prospects at the election.

Learned counsel for the petitioner urged that *mens rea* is not a necessary ingredient of the corrupt practice under section 123(7) of the Representation of the People Act. It was stressed by him that the flight made by the respondent no. 1, in so far as it extended between Delhi and Lucknow, was connected with the respondent no. 1 filing her nomination paper at Rae Bareilly and doing election propaganda. Learned counsel further urged that it is immaterial whether the respondent no. 1, while travelling by the I.A.F. Aircraft from Delhi to Lucknow, did or did not intend to further her election prospects thereby. According to learned counsel, once it is shown that the flight had facilitated the filing of the nomination paper by the respondent no. 1 at Rae Bareilly and doing of election propaganda, she must be held guilty of corrupt practice under section 123(7) of the Act. In support of his argument regarding *mens rea* learned counsel referred me to the decision of the Supreme Court in the case *Dr. Y. S. Parmar v. Hira Singh* (A. I. R. 1959 Supreme Court 244).

I have, however, already stated that the flight made by the respondent no. 1 from Delhi to Lucknow was not connected with her filing of nomination paper or with her doing election propaganda in her constituency. As already stated earlier, on 1st of February 1971 the respondent no. 1 had set out on a general election tour of the country. Since, however, she had also to file her nomination paper at Rae Bareilly during the same period, she landed on way at Lucknow and then drove to Rae Bareilly for that purpose. Having reached there she also delivered a few speeches. It cannot, therefore, reasonably be said that the use of the I.A.F. Aircraft was directly connected with her election work. As for the case referred to by learned counsel for the respondent no. 1, it cannot be ignored that it related to utilising the services of a personnel of the Armed Forces as polling agent. Clause (2) of Explanation 1, appended to section 123(7) of the Representation of the People Act, as it then existed, stated that for the purposes of sub-clause 7 a person shall be deemed to assist in the furtherance of the prospects of a candidate's election, if he, inter alia, acts as a polling agent of that candidate. It was in that context that the Supreme Court said that the question of *mens rea* was not relevant. That observation cannot have an universal application. It was so pointed out in the case of *Babu Bhal Vallabh Das Gandhi v. Pilloo Homi Mody* (36 Election Law Reports, Gujarat, 108 on pp 123-124), and *Hai Abdul Wahid v. B. V. Keskar* [21 E.L.R. 409 at p. 432 (Allid.)].

For the reasons stated above, I find that, on the basis of the respondent no. 1 having flown in an I.A.F. Aircraft from Delhi to Lucknow on 1st of February 1971, she cannot

be held guilty of having obtained the assistance of the Armed Forces of the Union for furtherance of her election prospects and thereby of having committed a corrupt practice under section 123(7) of the Representation of the People Act.

Issue no. 2 is accordingly answered against the petitioner and in favour of respondent no. 1.

#### ISSUE NO. 3:

In para 9 of the petition it is alleged that the respondent no. 1 and her election agent obtained and procured the assistance of the Gazetted Officers and members of the Police Force in the service of the Government for furthering the prospects of her election. Further clarifying the allegation, it is stated that the services of the District Magistrate of Rae Bareilly, the Superintendent of Police, Rae Bareilly and the Home Secretary, U.P. Government were utilised by the respondent no. 1 on 1st of February 1971 and 25th of February 1971 for the construction of rostrums, for erection of barricades, for making arrangements of loudspeakers at the places of the meetings, and for posting police along the route by which the respondent no. 1 was to travel. According to learned counsel for the petitioner, this amounted to a corrupt practice under section 123(7) of the Representation of the People Act.

The respondent no. 1 in her written statement denied that either she or her election agent obtained the aforesaid assistance of the District Magistrate, Rae Bareilly, the Superintendent of Police, Rae Bareilly and the Home Secretary, U.P. Government. She admitted that rostrums were constructed at some places where she addressed the meetings. She, however, added (in para 13(k) and 13(l) of the written statement) that the rostrums were constructed by private contractors under the direction issued by the State Government and that none of the Gazetted Officers of the State Government, mentioned in para 9 of the petition, were in any manner connected with the construction thereof. Erection of barricades and posting of police was not denied by the respondent. With regard to the loudspeakers, the respondent pleaded that they were arranged by the District Congress Committee. The respondent then referred to the instructions issued by the Comptroller and Auditor General of India on 29th November 1958 (Exh. 123) and to the letter of the Government of India dated 12th of January 1959 (Exh. 124) and pleaded that the aforesaid arrangements were made by the Government on its own initiative in the discharge of their governmental duties and by the officers of the Government in the discharge of their duty.

The fact that rostrums were got constructed and barricading was got done by the Superintendent of Police, Rae Bareilly, is supported by a mass of documentary evidence, besides oral evidence. Exh. 148 is the letter dated 31st March 1973 from the U.P. Police Headquarters, Allahabad, to the Deputy Secretary, Home Department. It clearly states that five rostrums were constructed for the meeting addressed by the respondent no. 1 on 1st of February 1971, and one prefab. rostrum and barricade were transported by truck from Allahabad to Rae Bareilly for another meeting addressed by the respondent no. 1 on the same date. According to this letter, a cost of Rs. 8,000 was incurred on the construction of five rostrums and a cost of Rs. 490 was incurred in transporting the prefab. rostrum from Allahabad to Rae Bareilly. Exh. 149 is the letter dated 2nd February 1973 from the Superintendent of Police, Rae Bareilly, to the U. P. Police Headquarters, Allahabad, containing the same information. Exh. 154 is a letter dated 1st of February 1972 sent by the Superintendent of Police, Rae Bareilly to the U.P. Police Headquarters, Allahabad, containing the details of the expenditure incurred in connection with the arrangements made on 1st of February 1971. This also shows that a sum of Rs. 8,000 was incurred in the construction of rostrums and a sum of Rs. 490 was incurred in connection with the transporting of the prefab. rostrum and barricade. It is not necessary to mention here other details of expenditure contained in the letter. Exh. 185 is a radiogram dated 26th January 1971 sent by the Superintendent of Police, Rae Bareilly to the U.P. Police Headquarters, Allahabad soliciting sanction for the construction of rostrums and barricades through the P.W.D. Exh. 184 is the radiogram dated 28th January 1971 according sanction for incurring expenditure on barricading and construction of rostrums

through the P.W.D. Exh. 186 is the copy of a letter dated January 26, 1971 sent by the Superintendent of Police, Rae Bareilly to the Executive Engineer, P.W.D., Rae Bareilly apprising him that the respondent no. 1 would be addressing meetings at seven places specified in the letter and that all the meetings, except one, shall require construction of rostrums and barricades. Exh. 156 is the letter dated 4th January 1972 sent by the Superintendent of Police, Rae Bareilly, to the Offg. Executive Engineer, P.W.D., Rae Bareilly, acknowledging receipt of bills for construction of barricades and rostrums at the seven places specified therein and requesting the Executive Engineer to submit separate bills for barricading and construction of rostrums. Exh. 155 is the letter dated 1st of February 1972 from the Executive Engineer, P.W.D., Rae Bareilly to the then Superintendent of Police, Rae Bareilly, enclosing therewith separate bills of expenditure incurred in erection of barricades and rostrums on the occasion of the visit of respondent no. 1 on 1st of February 1971.

It is not necessary to refer to the other papers. The aforesaid documents overwhelmingly show that rostrums were got constructed through Government agency for the purposes of the meetings addressed by the respondent no. 1 in Rae Bareilly on 1st of February 1971.

Exh. 199 is a radiogram dated 17th of February 1973 from the Superintendent of Police, Rae Bareilly, to the U.P. Police Headquarters, Allahabad, soliciting sanction for construction of rostrums and barricades for six meetings to be addressed by the respondent no. 1 on 25th of February 1971. Exh. 201 is the letter dated 17th February 1971 from the Superintendent of Police, Rae Bareilly, to the Executive Engineer, P.W.D., Rae Bareilly, apprising him of the places where the respondent no. 1 was to address meetings on the 25th February 1971, and requesting him to take up the construction of rostrums and barricades on top priority basis, to be completed by 22nd of February 1971. Exh. 193 is a letter dated 23rd June 1971 sent by the Superintendent of Police, Rae Bareilly to the U.P. Police Headquarters, Allahabad, apprising him, inter alia, of the cost incurred in the construction of barricades and rostrums in connection with the meetings addressed by the respondent no. 1 on 25th of February 1971. Exh. 190 is the letter dated 27th September 1972 sent by the U.P. Police Headquarters to the Deputy Secretary, U.P. Government, Home and Police Department, apprising the Government of the cost incurred over the construction of rostrums and barricades in connection with the meetings addressed by respondent no. 1 in Rae Bareilly, on 25th of February 1971. It is conclusively proved by these documents that rostrums were constructed through Government agency for the meetings addressed by the respondent no. 1 in her constituency on 25th of February 1971 also.

Learned counsel for the petitioner also referred me to the evidence of Sri E. Lawrence the then S.D.M., Dalmau (district Rae Bareilly) (R.W. 10) and to the evidence of Sri Mohinder Singh, District Magistrate, Rae Bareilly (R.W. 36) in order to show that rostrums for the purposes of the meetings of the respondent no. 1 were always got constructed through officers. Sri E. Lawrence (R.W. 10) stated during his deposition that barricading and construction of rostrums are done by the P.W.D. and payment for the same is made by the Superintendent of Police of the district concerned, though the actual work of putting up of barricades and construction of rostrums is done by the contractors. Further on, he stated in cross-examination that it was the duty of the Sub-Divisional Officer to make sure that a rostrum was constructed at the place in his sub-division where the Prime Minister proposed to address the meeting. He also stated that the Superintendent of Police and the District Magistrate ask the Public Works Department to get the rostrum constructed at the place where the meeting is proposed to be addressed by the Prime Minister and that construction of rostrums. During his re-examination by the S.D.O. personally goes to that place to supervise the learned counsel for the respondent no. 1 he affirmed that he had personal knowledge regarding the rostrum and barricade constructed in connection with the meeting addressed by the respondent no. 1 at Rae Bareilly on 1st of February 1971 because he knew the Assistant Engineer who got it done and because he had himself seen the rostrum being constructed and the barricade being put up. Sri Mohinder Singh (R.W. 36) was the District Magistrate at Rae Bareilly during the election that took place in 1971. He stated, "whenever the tour programme of the Prime Minister is received, whether the visit is official or unofficial, they inspect the site of the meeting to be addressed by the Prime Minister and the Superintendent of Police then, besides making other security arrangements, sends a letter to the Executive Engineer, Public Works Department, to invite tenders for construction of rostrums and barricades." He further stated that if a rostrum is constructed, barricading is also done because it is a part of that work.

There is thus not an iota of doubt that it were the Gazetted Officers of the State, particularly the Superintendent of Police, Rae Bareilly and the Executive Engineer, P.W.D., Rae Bareilly, who got the rostrums constructed for the purposes of the meetings addressed by the respondent no. 1 in her constituency on 1st of February 1971 and 25th of February 1971.

As for the arrangement of loudspeakers, no evidence, oral or documentary, has been led by the petitioner in order to prove that arrangement for loudspeakers was done by or through the Government officers. On the contrary, these are some papers which lend support to the contention raised on behalf of respondent no. 1 that the arrangement of loudspeakers was done by the District Congress Committee. Exh. 177 is a letter dated 29th January 1971 sent by the Superintendent of Police, Rae Bareilly, to Sri Gaya Prasad Shukla of the Central Congress Office, Rae Bareilly. It states that, according to the verbal decision reached between them, Sri Gaya Prasad Shukla was to make arrangements of loudspeakers for the meetings of the respondent no. 1. The letter being dated January 29, 1971, it obviously refers to the meetings addressed by the respondent no. 1 on 1st of February 1971. Exh. 193 is a letter dated June 23, 1971, from the Superintendent of Police, Rae Bareilly, to the U.P. Police Headquarters, Allahabad, containing details of the expenditure incurred in connection with the visit of respondent no. 1 to Rae Bareilly on 25th of February 1971. It explicitly states that no expenditure was incurred in connection with the arrangement of loudspeakers for the meetings addressed by the respondent no. 1 as the same was arranged by the party concerned.

Learned counsel for the petitioner, however, contended that even though the loudspeakers were not arranged by the Government officers for the purposes of the meetings addressed by the respondent no. 1 in her constituency, there is unimpeachable evidence on record to show that the Government officers arranged for supply of power for the functioning of the loudspeakers at some places where the respondent no. 1 addressed her election meetings. This appears to be correct. Exh. 147 is copy of a letter dated 24th July 1973 sent by the Superintendent of Police, Rae Bareilly to the President, U.P.C.C. Lucknow, stating that the respondent no. 1 had addressed meetings at Harchandpur, Jagatpur, Parewa and Reohara (besides Bachrawan, which was not in Rae Bareilly constituency), in connection with the election, on 1st of February 1971, that power had been supplied for functioning of loudspeakers in those meetings, and that five bills for a total amount of Rs. 1151 were sent for payment in that connection to the U.P.C.C. Office. It was requested that the payment may be expedited. Exh. 146 is the letter dated 1st September 1973 from the President, U.P.C.C. to the Superintendent of Police, Rae Bareilly, which indicates that a cheque for Rs. 1151 was forwarded by the U.P.C.C. in payment of the aforesaid bills for supply of power. Exh. 154 is a copy of the letter dated 1st of February 1972 from the Superintendent of Police, Rae Bareilly to the Police Headquarters, Allahabad, containing a break-up of the expenditure incurred in connection with the visit of respondent no. 1 to Rae Bareilly on 1st of February 1971. This also lends support to the fact that arrangement for supply of power for functioning of the loudspeakers at some meetings addressed by the respondent no. 1 was made through the Government officers. Exh. 178 is a letter dated January 29, 1971, from the Superintendent of Police, Rae Bareilly, to the Assistant Engineer, Hydell, asking him to make available power at Harchandpur and Jagatpur for installation of public address system for the meeting of the respondent no. 1 on 1st of February 1971.

The above-mentioned papers conclusively prove that arrangements had been made by the Government officers for supply of power for the functioning of the loud speakers at some of the election meetings addressed by the respondent no. 1. But for the same, it would not have been possible for the respondent no. 1 to effectively address these meetings.

The fact that police had been posted along the routes by which the respondent no. 1 had to travel and that the police was also posted at the places where the respondent no. 1 addressed election meetings has not been controverted by her. As also stated earlier, the erection of barricades along the routes and erection of barricades at the places of meetings was also not denied by her. According to respondent no. 1, the aforesaid arrangements were made by the State Government in discharge of its governmental duties.

It is a matter of common knowledge that on the occasion of the visit of the Prime Minister of the country vast crowds gather in order to see and hear him/her. People also swarm along the routes by which he/she travels in order to have a glimpse of him/her. It is the first duty of every Government to maintain law and order in the State. If the police were not posted and barricades were not put up along with routes by which the respondent no. 1 travelled as also at the places where she addressed the meetings, it may not have been possible for the Government to control the crowd. Failure in that regard could lead to a law and order situation and no Government worth the name can take any risk in that regard. Needless to say that neither the posting of the police along the routes and at the place of the meetings, nor the erection of the barricades at the two places could contribute to the furtherance of the prospects of the respondent no. 1 in the election. Exception cannot therefore validly be taken by the Petitioner in regard to the said arrangements made by the Government. I am accordingly in agreement with the plea put forward by the respondent no. 1 that the posting of police along the routes and at the place of the meetings as well as the setting up of barricades at the two places was done by the Government in discharge of its governmental duties.

The construction of rostrums and the supply of power by or through the officers of the State Government, however, stand at a different footing. The rostrums constructed by the officers of the State Government enabled the respondent no. 1 in her election campaign which put her in position. The resources of the Government having been employed, the rostrums were got constructed in the shortest possible time so that they were ready by the time the respondent no. 1 reached the places where she had to address the meetings. Further, even though the loudspeakers had been arranged by the District Congress Committee, supply of power for the same was arranged by the officer of State Government. But for it the loudspeakers would have been ineffective and it would not have been possible for the respondent no. 1 to make her speech audible to the entire audience. The construction of the rostrums and the arrangement of the supply of power for the functioning of the loudspeakers, therefore, amounted to assisting the respondent no. 1 in her election campaign which put her in a clearly advantageous position over her opponents. I do not think it was indispensable for the State Government for maintenance of law and order, or security that its officers should have taken upon themselves to get rostrums constructed for the meetings of the respondent no. 1 and to make arrangements for the supply of power for the functioning of the loudspeakers at her meetings. Both the things could be left to be arranged by the political party concerned.

Reliance has been placed by learned counsel for the respondent no. 1 on the Instructions (Exh. 123) dated 29th November, 1958 issued by the Comptroller and Auditor General of India to the Accountant Generals of the State the letter dated 12th of January 1959' (Exh. 124) issued by the Government of India to the Chief Secretaries of all State Governments, enclosing therewith copy of the Instructions issued by the Comptroller and Auditor General and the letter dated 19th November, 1969 (Exh. 121) issued by the Government of India, Ministry of Home Affairs, to all State Governments, in order to contend that it was the duty of the State Government and its officers to arrange, inter alia, for the construction of rostrums and for putting up of public address system in the meetings addressed by the Prime Minister. Now, so far as the secret instructions (enclosed with Exh. 124) issued by the Comptroller and Auditor General of India are concerned, it is not explicitly stated therein that those instructions will also apply on the occasion of the election meetings addressed by the Prime Minister as a

candidate within her own constituency. It is worthy of notice that in the Blue Book (which contains detailed instructions regarding security arrangements of the Prime Minister) election meetings were specifically excluded. This is apparent from the first paragraph of the letter (Exh. 121) issued by the Ministry of Home Affairs, Government of India, on 19th November, 1969. Learned counsel for the petitioner also produced before me Lok Sabha Debates dated April 10, 1973. Rule 71(6) of the Blue Book, as it originally existed, has been reproduced in Column 241 of these Debates as follows :—

"It has been noticed that the rostrum arrangements are not always properly made because the hosts are sometimes unable to bear the cost. As the Prime Minister's security is the concern of the State, all arrangements for putting up the rostrum and the barriers at the meeting place will be borne by the State, whatever may be the occasion for, which the public meeting is called, except election meetings".

Now, if the instructions issued by the Comptroller and Auditor General of India in 1958 are read with rule 71(6) of the Blue Book, as it originally existed, it becomes abundantly clear that the instructions contained therein did not apply to election meetings, much less to the meetings addressed by the Prime Minister as a candidate in her own constituency.

Rule 71(6) of the Blue Book was amended in 1969, as is apparent from the letter Exh. A-21 dated 19th November, 1969 issued by the Government of India to all State Governments. The relevant part of amended rule 71(6) reads as follows :—

"It has been noticed that the rostrum arrangements are not always properly made because the hosts are sometimes unable to bear the cost. As the security of the Prime Minister is the concern of the State, all arrangements for putting up the rostrum, the barricades etc. at the meeting place, including that of an election meeting, have to be made by the State Government concerned".

It was thus for the first time in 1969 that arrangements pertaining to election meetings were also made the responsibility of the State Government. It is, however, extremely doubtful whether even the amendment of rule 71(6) of the Blue Book in 1969 required the State Government and its officers to make arrangements for rostrums and loudspeakers at the meetings which the Prime Minister was to address in his/her own constituency as a candidate. Assuming, however, that it did, it cannot be ignored that the instructions issued by the Comptroller and Auditor-General of India (enclosed with Exh. 124) and the instructions contained in the letter of the Government of India dated 19th November, 1969 (Exh. A-21) are instructions of administrative nature and they cannot override the provisions contained in section 123 of the Representation of the People Act. Consequently, if it is shown that the construction of rostrums and arrangement for supply of power for the functioning of the loudspeakers at the meetings addressed by the respondent no. 1 falls within the mischief of section 127(7) of the Representation of the People Act, neither the instructions issued by the Comptroller and Auditor-General of India nor the instructions issued by the Government of India through its letters dated 12th of January 1959 (Exh. 124) and 19th November, 1969 (Exh. 121) can come to the rescue of the respondent no. 1.

The question that, therefore, ultimately falls for consideration is whether the fact that rostrums had been got constructed and supply of power for the functioning of the loudspeakers was arranged by the Gazetted officers of the State Government, particularly the Superintendent of Police, the Executive Engineer, P.W.D. and the Engineer, Hydel Department, for the meetings addressed by the respondent no. 1 as a candidate in her constituency, brings the matter within the mischief of section 123(7) of the Act.

Sub-section (7) of section 123 of the Representation of the People Act reads as follows :—

"The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent, or, by any other person with the consent of a candidate or his election agent, any assistance other than the giving of vote for the furtherance of the

prospects of that candidates' election, from any person in the service of the Government and belonging to any of the following classes, namely :—

- (a) gazetted officers;
- (b) ..
- (c) ..
- (d) ..
- (e) ..
- (f) ..

In the light of the above provision, the first question that arises for consideration is whether on the facts found proved it can be said that the assistance of the gazetted officer of the State was obtained or procured by the respondent no. 1.

The words 'obtain' and 'procure' imply some initiative or effort on the part of the returned candidate. According to Webster's New International Dictionary, the word 'obtain' means to take hold of, to gain or attain possession or disposal by some planned action or method. The meaning assigned to the word 'procure' in the same dictionary, inter alia, are to bring about, obtain, to get possession of by care or effort. In *Moti Lal V. Mangla Prasad* (A.I.R. 1958 Allahabad 794 at p. 797) it was observed :—

"We think that the word 'obtain' in section 123(7) has been used in the sense of the meaning which connotes purpose at behind the action of the candidate. The word has not been used in the subsection in the sense of a mere passive receipt of assistance without the candidate even being conscious of the fact that the assistance has been rendered. In order to bring the case under subsection (7), it must be shown that the candidate did make some effort or perform some purposeful act in order to get the assistance." (under living is by me).

In case *Biresh Misra V. Ram Nath Sharma and others* (17 Election Law Reports 243 at p. 253) a Division Bench of the Assam High Court observed :—

"The words 'obtain' or 'procure' or 'abetting or attempting to obtain or procure' any assistance necessarily imply some effort on the part of the candidate or his agent. Mere passive receipt of assistance is not contemplated by the section."

Similar view has been expressed in the case *Babu Bhai Vallabh Das Gandhi V. Piloo Homi Mody* (17 Election Law Reports 108 on pp. 126 and 127) and *C. Chiranjeevulu Naidu V. E. S. Thyagarajan* (25 Election Law Reports 201 at p. 217).

In Para 13(c) of the written statement the respondent no. 1 admitted that rostrums were constructed at Harchandpur, Rae Bareilly, Jagatpur, Paterwa and Reuhara. In Para 13(d) of the written statement the respondent no. 1 quoted extensively from the instructions dated 29th November, 1958 issued by the Comptroller & Auditor-General of India, copy whereof was sent by the Government of India to the Chief Secretaries of all the States under their letter dated 12th January, 1959 (Exh. 124). It may be recalled that under the aforesaid instructions it is the duty of the State Government, inter alia to make loudspeaker arrangements and to provide for rostrums for non-official meetings of the Prime Minister also. In para 13(e) the respondent no. 1 made reference to the letter of the Government of India dated 19th November, 1969 (Exh. A-21), which amended rule 71(6) of the Blue Book to bring the election meetings also within the ambit of the instructions issued by the Comptroller & Auditor-General. In answer to interrogatory no. 28 the special attorney of the respondent no. 1 admitted that the respondent no. 1 was generally aware of the substance of the rules and instructions. (the words "such use of Indian Air Force planes by the P.M." appear to have been inserted in the reply by inadvertence). In reply to interrogatory no. 29 it was admitted that the respondent no. 1 was a party to the decision of the Union Government on the basis of which the letter dated 19th November, 1969 (Exh. A-21) was issued. During her deposition in Court

the respondent no. 1 again said that, according to the standing instructions from the Government of India, whenever the Prime Minister visits any State and addresses meetings, including election meetings, necessary arrangements in connection with it have to be made by the officers of the State Government. She added that she was aware of those instructions even prior to 1st of February 1971. From all these facts it is apparent that, with the issue of letter from the Government of India dated 19th November, 1969 (Exh. A-21), the respondent no. 1 held that it was also the duty of the State Government to arrange for construction of rostrums and installation of public address system for her meetings, regardless of the fact whether those meetings were to be addressed by her as a candidate in her own constituency or otherwise.

Sri Yashpal Kapur (R.W. 32), earlier Private Secretary and O.S.M. in the respondent's secretariat, deposed that when a regular tour programme of the Prime Minister is prepared, the Private Secretary to the Prime Minister issues it to the authorities concerned after it is approved by the Prime Minister. The respondent no. 1 also conceded in his deposition that the tour programmes concerned with the political work are prepared by the A.I.C.C. and are finalised after her approval is obtained. In answer to interrogatory no. 3 of the second set it was admitted that the tour programmes are issued, among others, to the State Government.

Now, since the instructions issued by the Comptroller & Auditor-General read with the letter of the Government of India dated 12th January, 1959 (Exh. 124) and the letter of the Government of India dated 19th of November, 1969 (Exh. A-21) required the State Government to construct rostrums and to arrange for the public address system for the election meetings of the respondent no. 1, besides making other arrangements, and since the respondent no. 1 believed that it also applied to the election meetings to be addressed by her in her constituency, it should be presumed that the purpose behind sending those tour programmes to the State Government was that the State Government should make all those arrangements for the meetings of the respondent no. 1. In other words, the tour programmes carried an implied direction that the State Government should also get constructed rostrums and arrange for public address system for the election meetings to be addressed by her on 1st of February 1971 and 25th of February, 1971. It should be presumed that the respondent no. 1, as Prime Minister of this country, and with five years experience of that office behind her in 1971, also knew that the said work was to be done by the officers of the State Government. In fact respondent no. 1 stated in her cross-examination that she was aware that, according to the Standing Orders, necessary arrangements in connection with the meetings, including election meetings, had to be made by the officers of the State Government.

As already stated earlier, the word 'obtain' occurring in section 123(7) only implies some effort or initiative on the part of the returned candidate. Since the tour programmes were sent from the office of the respondent no. 1 with her approval and they contained an implied direction that the State Government may, inter alia, arrange for construction of rostrums and for loudspeakers for the meetings of the respondent no. 1, the needed initiative had thereby emanated from her. Further, on her own admission, respondent no. 1, knew that the aforesaid arrangements shall be made by the officers of the State Government. The arrangements having been made the respondent no. 1 availed of the same in all the meetings on 1st of February 1971 and again in the meetings addressed on 25th of February 1971. She did not do anything in between the two dates to disavow those arrangements or to prevent the officers of the State Government again undertaking them on 25-2-1971. The only reasonable conclusion that can under the circumstances be reached is that the respondent no. 1 obtained the assistance of the officers of the State Government, within the meaning of that expression used in section 123(7) of the Act.

The question that next falls for consideration is whether the assistance had been obtained for the furtherance of the prospects of the election of respondent no. 1.

The position of the respondent no. 1 in her constituency first of all was that of a candidate. Her position as Prime Minister came thereafter. What she could not do as a

candidate, she could as well not do as Prime Minister. She could not therefore obtain the assistance of the Government Officers in her election campaign. Yet we find that it was done. The services of the officers of the State Government were obtained for construction of rostrums. The resources of the State Government were utilised for that purpose. At some of the meetings the officers of the State Government also arranged for supply of power for the functioning of the loudspeakers, as shown earlier. The assistance of the State Government was thus obtained so that the respondent no. 1 could effectively address the meetings for the furtherance of her prospects in the election. It may not be out of place to add that the association of the senior officers of the State Government with the arrangements of rostrums and loudspeakers in meetings of the respondent no. 1 was also lacking to create an impression on the mind of the electors within the constituency that the Government was assisting the respondent no. 1. It can, therefore, be safely said that the assistance of the officers of the State Government was obtained for the furtherance of the prospects of the election of respondent no. 1.

Learned counsel for the respondent no. 1 urged that the construction of rostrums and arrangements of loudspeakers could not in any way further the prospects of the respondent no. 1's election and, consequently, even if it be held that the assistance of the officers of the State Government had been obtained by the respondent no. 1 for the said purposes, it cannot constitute a corrupt practice. In support of his arguments learned counsel referred me to the cases : (1) *Raj Krushna Bose Vs. Binod Kanungo and others* (9 Election Law Reports 295, Supreme Court), (2) *Satya Dev Bushahri v. Padam Dev and others* (10 Election Law Reports 193 at pp. 112 and 117) and (3) *Chandrashekhar Singh vs. Sarjoo Prasad Singh and another* (22 Election Law Reports 206 at p. 217, Patna). On a perusal of these cases, however, I find that they are distinguishable. In the first case the Court said that section 33(2) of the Act, as it then existed, conferred a right on every person to subscribe as proposer or seconder as many nomination papers as there were vacancies to be filled. It was further held that section 123(8) [which now corresponds to section 123(7)] was to be interpreted in harmony with section 33(2) and, interpreting in that manner, the act of a Government servant subscribing any nomination paper as a proposer or seconder did not fall within the mischief of section 123(8). In the second case the Court held that in view of the duties that a polling agent has to perform, it cannot be said that the fact of a Government servant acting as a polling agent for any candidate can constitute a corrupt practice. In reaching this conclusion it was also taken into consideration that, while the relevant section contained a prohibition against the appointment of certain persons as election agent, there was no such reference to the appointment of polling agents. The Court proceeded to say on page 120 :—

"To hold that Government servants are, as such and as a class, disqualified to act as polling agents would be to engraft an exception to the statute, which is not there".

In the third case the son of the returned candidate, who was a Sub-Inspector of Police under suspension, had driven the jeep of Sarvasri S. K. Sinha and Morarji Desai when they came into the constituency for election campaign and the Court observed :—

"Mere driving of the jeep of Dr. S. K. Sinha and Sri Morarji Desai, even if proved cannot be said to be any assistance in the furtherance of the prospects of the respondent's election from a person in the service of the Government. Mere driving of the jeep is an act of carrying the leaders who were important members of either State Government or Central Government and the Sub-Inspector of Police, even if he was on leave could be expected, if required, to show this much of courtesy to the important leaders who were members of the Government too."

It is worthy of notice that in this case the Sub-Inspector of Police had not rendered any service directly to the candidate but had rendered some service by way of courtesy to two leaders of outstanding importance who were also

members of the Government. Thus on facts none of the three cases referred to by learned counsel for the respondent no. 1 is analogous to the case before me.

Learned counsel for the respondent no. 1 also referred me to Articles 256 and 257 of the Constitution and urged that the earlier mentioned instructions were issued by the Government of India in exercise of its executive power under those Articles. The Representation of the People Act was, however enacted by the Parliament in exercise of its constitutional power, therefore, whether or not the earlier mentioned instructions were issued by the Government of India under Articles 256 and 257 of the Constitution they cannot override the mandate of the Parliament contained in the Act.

Learned counsel for the respondent no. 1 stressed that the Prime Minister of a country commands special position and that it is mandatory that arrangements for her security are made even when he/she visits a particular constituency as a candidate seeking election from there. Learned counsel urged that the provisions contained in the Representation of the People Act should not be interpreted in a rigid manner and that allowance should be given to that position while interpreting them. I, have, however, already said earlier that the construction of rostrums and arrangements of public address system are not intimately connected with security and could be conveniently allowed to be arranged by the party concerned. But assuming that security was involved in the construction of rostrums, the fact remains that the Representation of the People Act makes no concession in favour of the Prime Minister or any other office-bearer of the Government. According to law, as it stands, obtaining assistant's of the officers specified in section 123(7) of the Act by a candidate for furtherance of her election prospects is a corrupt practice, regardless of the fact whether the candidate is an ordinary person or a person holding high office in the Government. If it were felt that the position of the Prime Minister required some concession being made in the matter, the Legislature could be moved to make necessary provision in that regard in section 123(7) of the Act. In the absence of any such provision, the mere fact that the respondent no. 1 happened to be the Prime Minister cannot undo the effect of her obtaining assistance of the officers of the State Government for furtherance of her election prospects.

Learned counsel for the respondent no. 1 also urged that, according to the evidence on record, the respondent no. 1 did not make any canvassing for herself while addressing meetings on 1st February 1971 and 25th February 1971 and that she only did propaganda for the party. On this basis it was urged that any assistance given to the respondent no. 1 in those meetings could not be held to be assistance for furtherance of the election prospects of the respondent no. 1. This argument cannot be accepted for any moment. The respondent no. 1 was the only Congress candidate from Rae Bareilly parliamentary constituency. The respondent no. 1 pleaded in para 15(a) of the written statement that she had requested the voters to put the prescribed mark on the symbol of cow and calf. As a Congress candidate that was her symbol also. Therefore, when she asked the electors within the constituency of Rae Bareilly to put their mark against the symbol of cow and calf, she clearly canvassed for herself.

In view of all that has been said above, I hold that the respondent no. 1 obtained the assistance of the officers of the State Government, particularly the District Magistrate, the Superintendent of Police, the Executive Engineer, P.W.D. and the Engineer, Hydel Department for construction of rostrums and arrangement of supply of power for loudspeakers in the meetings addressed by her on 1st of February 1971 and 25th of February 1971 and further that the said assistance was for the furtherance of the prospects of the respondent no. 1 in her election. The respondent no. 1 was thus guilty of a corrupt practice under section 123(7) of the Act.

Issue no. 3 is accordingly answered against the respondent no. 1 and in favour of the petitioner.

ISSUES NOS. 4 & 7 :

These issues arise out of the allegations contained in para 10 and para 12 of the petition. In para 10 it is alleged that Sri Yashpal Kapur, the election agent of respondent no. 1,

and her other agents with the consent of the said Sri Kapur, distributed a large number of quilts, blankets and dhotis as well as liquor among the electors of the constituency with the object of inducing them to vote for respondent no. 1. According to Schedule A-1, which contains the details of this corrupt practice, distribution of blankets, dhotis, quilts and liquor was done in Salon, Bhaon, Dalmau, Harchandpur, Sareni and Lalganj. In para 12 of the petition it is alleged that Sri Yashpal Kapur, the election agent of the respondent no. 1, and some other agents and persons with his consent, hired and procured a number of vehicles for the free conveyance of electors to various polling stations in the said constituency on 1st March, 3rd March and 5th March 1971. The details of this corrupt practice are mentioned in Schedule B-1 and, according to that schedule, this corrupt practice was committed at polling stations Rahi, Bhaon, Salon, Sareni, Harchandpur and at six polling stations situate in Rae Bareilly proper and three polling stations situate in Bawan Buzurg.

The respondent no. 1 in her written statement stoutly denied the commission of both the alleged corrupt practices.

The petitioner in order to prove the aforesaid allegations examined Sri A. C. Mathur (P.W. 9) and Budhu (P.W. 24) only.

Sri A. C. Mathur (P.W. 19) was Presiding Officer at Rahi polling station on 1st of March 1971. He said that on that date some person, whose name he did not remember, handed over to him an application (Paper No. A-295) and that he made an endorsement on that application. Application (Paper No. A-295) purports to have been given by Sarat Kumar Singh, Polling Agent of the petitioner at Rahi polling station, alleging that the workers of the respondent no. 1 were transporting voters by the UPF 214. The endorsement made by Sri Mathur on this application is Exhibit 55 and it reads as follows :—

"Received (?) with the remark that the vehicle under reference has not been seen by me personally. However, the application is being forwarded to the Section Magistrate."

The petitioner did not examine Sarat Kumar Singh, the purported author of the complaint (Paper No. A-295); and Sri A. C. Mathur, the Presiding Officer has not said anything, either in his deposition or in the endorsement made by him on that complaint, lending support to it. The evidence of Sri A. C. Mathur thus fails to prove that any voters were transported by or on behalf of the respondent no. 1 free of cost to Rahipur polling station.

This takes me to the other witness, namely Budhu (P.W.24). He is a resident of village Bhaon. He deposed that on the date of polling a big jeep came to the village; that the people were saying that the jeep belonged to Smt. Premwati; that the jeep carried the flag and posters of the Congress Party; and that it made 8 or 10 trips for carrying the voters. He said that Smt. Premwati remained present in the village till about 3 p.m.

Now, if it were true that voters had been transported in the manner alleged by Budhu P.W., some complaints about the same should have been made by the polling agent of the petitioner at the relevant polling stations and evidence about the same could be adduced. No such evidence has, however, been adduced. The oral testimony of Budhu alone cannot, therefore, be given much credence. That apart, the respondent examined a number of witnesses to rebut the evidence of Budhu (P.W.24). Smt. Premwati (R.W.21) herself entered the witness-box and made a statement on oath to the effect that she did not come to Rae Bareilly constituency during the period of election and that she remained busy in connection with the election of Smt. Shiela Kaul in Lucknow City constituency. It is true that Smt. Shiela Kaul was also a candidate of Congress(R) and is an aunt of respondent no. 1. However, the mere fact that Smt. Premwati (R.W.21) was working for the aunt of respondent no. 1 cannot constitute a sufficient ground for discarding her testimony.

Other witnesses examined by the respondent no. 1 in this connection are Gajraj Singh (R.W. 19), a resident of village Sarai Damu, Lahu (R.W.20), also a resident of village Sarai Damu, Ganga (R.W.22), Pradhan of village Jamalpur Nankari, Kuir (R.W.23), another resident of village Jamal-

pur Nankari and Thakur Ambika Singh (R.W.24). Gajraj Singh and Lahu R. Ws. said that they had gone to give their votes at the polling station situate in Mohammadpur Kuchari. They further said that they and other people of their village had gone on foot to cast their votes and that it was wrong that any jeep or tractor was utilised to transport any voters from their village to the polling stations. Ganga and Kuir R. Ws. deposed that they went to Bhaon polling station to cast their votes. They further said that they and other people of their village went to the polling station on foot and that it was wrong that any vehicle had been used for transporting them to the polling station. It may be mentioned here that according to the statement made by Budhu in cross-examination, Kuir and Gajraj Singh were among the persons who had been transported by jeep. Thakur Ambika Singh (R.W.24) was named in Schedule B-1 as one of those persons who transported voters. He stated on oath that he never transported any voters from any place in the constituency to any polling station. The above being the state of evidence, I find that the petitioner failed to prove that the election agent of the respondent no. 1, or any other person with his consent, transported voters free of cost to any polling station.

In support of the allegation that blankets, dhotis or quilts were distributed, it is Budhu (P.W. 24) only who has made a statement. According to him, Madan Mohan Misra and some other persons visited his village on the date preceding the election for distributing the aforesaid articles to the voters in village Bhaon. He also claimed to have received one dhoti. He further named Kuir and said that, among the residents of Jamalpur Nankari, he was one of those who had been distributed cloth.

The respondent examined Shitla Bux Singh (R.W.15), Kuir (R.W.23) and Thakur Ambika Singh (R.W.24). According to the Schedule A-1 appended to the petition, Shitla Bux Singh was one of those persons who get blankets etc. distributed. Shitla Bux Singh entered the witness-box to deny it on oath. Kuir (R.W.23) contradicted that part of the statement of Budhu (P.W.24) wherein he said that cloth had also been distributed to him. Thakur Ambika Singh (R.W.24) is Pramukh of the Kshettra Samiti. He also denied having participated in connection with the distribution of quilts, kambals, dhotis etc. in any part of the constituency.

In the aforesaid circumstances, reliance cannot be placed on the solitary testimony of Budhu in order to accept that any quilts, blankets, dhotis etc. were at all distributed on behalf of respondent no. 1 in the constituency.

Issues nos. 4 and 7 are accordingly decided against the petitioner and in favour respondent no. 1.

#### ISSUE NO. 10 :

In para 22 of the written statement the respondent no. 1 pleaded that the security deposit was not made according to rules and hence this issue. This question, however, stands concluded with the decision of this Court in case, Election Petition No. 1 of 1971. *Brahma Datta v. Paripurana Nand & others*, decided on 9th November, 1971. The objection taken in this case is precisely the same as was raised in Election Petition No. 1 of 1971. Learned counsel for respondent no. 1 has failed to show any reason for which the present case may be held to be distinguishable on facts from the case of *Brahma Datta v. Paripurana Nand & others* (*supra*). In view of the decision of this Court in that case, I find that the security deposit made by the petitioner was in order.

The issue is accordingly answered in favour of the petitioner and against the respondent no. 1

#### ISSUE NOS. 5 & 8 :

In the written statement filed by respondent no. 1 it was pleaded that para 10 read with Schedule A and para 12 read with Schedule B of the petition furnished no particulars of corrupt practice and were, therefore, liable to be struck off.

The allegation contained in para 10 of the petition, briefly stated, is that the election agent of the respondent no. 1 and her other agents with the consent of the election agent, freely distributed quilts, blankets, dhotis and liquor among the electorate to induce them to vote for respondent no. 1. Schedule A contained the names of the persons who



distributed the aforesaid articles, the names of the places where they were distributed. The allegation contained in para 12, of the petition is that on 1st March, 1971, 3rd March, 1971 and 15th March, 1971 the election agent of the respondent no. 1, and some other persons with his consent, hired or procured a number of vehicles for free conveyance of electors to various polling stations. Schedule B, accompanying the petition, disclosed the names of the persons who transported the voters, the registration number of the vehicles used by them for transporting voters, the names of the polling stations to which the voters were transported, and the dates on which they were transported.

From the order dated 20th September 1973, passed by K. N. Srivastava, J., it appears that after the statements of 15 witnesses on the side of the petitioner had been recorded it was pleased on behalf of the respondent No. 1 that issues nos. 5 and 8 be decided as preliminary issues. After hearing learned counsel for the parties, it was held by K. N. Srivastava, J. that allegations contained in paras 10 and 12 were vague in some respects. In regard to para no. 10 and Schedule A, he pointed out that it did not disclose—

- (i) whether the liquor, blankets, quilts and dhosis were distributed at the same time and place or separately; and
- (ii) so far as big places like Salon and others mentioned in Schedule A are concerned, the places where the alleged corrupt practice was committed should have been specifically mentioned.

In regard to para 12 and Schedule B, it was pointed out by K. N. Srivastava, J. that the allegations contained therein were vague in following manner:—

- (1) The petitioner should have given the details as to which vehicle mentioned in Schedule B was procured or hired by which worker or agent of respondent no. 1
- (2) The names of polling stations from or to which the voters were carried required to be disclosed;
- (3) It was required to be disclosed whether the vehicles mentioned in Schedule B were tractors, taxis, buses or motorcars.

Other objections raised on behalf of the respondent were rejected with the following observations:—

"The other objections are of a technical nature about the vagueness and they have no force in them."

In consequence of the above order passed by K. N. Srivastava J. the petitioner furnished better particulars.

Counsel for both the parties were again heard and thereafter a detailed order was passed by me on 29th of August 1974. By that order the particulars furnished by the petitioner in regard to distribution of blankets, quilts and dhosis were accepted as sufficient and those particulars were allowed to be incorporated. With regard to the other allegation about the distribution of liquor, it was held that it continued to remain vague and consequently, that part of para 10 of the petition which related to distribution of liquor, was ordered to be deleted.

In regard to particulars furnished to clarify the allegation contained in para 12, the only objection raised before me was that the description of Amresh Prasad Srivastava, Zulfiqar Khan and Anand Kumar, mentioned in column 1 of Schedule B-1 (sought to be substituted for Schedule B) was not sufficient to enable the respondent to fix their identity. That objection was upheld and it was directed that while Schedule B may be substituted with Schedule B-1, as prayed, the aforesaid names shall be deleted therefrom.

The result of the order dated 29th August 1974 is that thereafter the allegations contained in paras 10 and 12 of the petition, coupled with Schedule A-1 and Schedule B-1 do not suffer from any vagueness. Needless to say that learned counsel for the petitioner also failed to point out at the time of the final arguments in the case that paras 10 and 12, coupled with Schedule A-1 and Schedule B-1, still suffer from any vagueness.

Issues 5 and 8 are accordingly answered in favour of the petitioner and against the respondent no. 1.

#### Issue No. 6

In para 11 of the petition it is alleged that the symbol of cow and calf is a religious symbol; that the party to which the respondent no. 1 belongs induced the Election Commission of India to allot to the party the symbol of cow and calf; that the respondent no. 1 made use of and appealed to that religious symbol in each of her election meetings addressed by her in the constituency on 25th of February 1971. It is further alleged that the respondent no. 1 exhorted the voters to cast their votes by putting the prescribed seal mark on the symbol of cow and calf in the meetings addressed by her on 25th of February 1971 at Bhojpur, Murai-ka-bagh, Lalganj, Sothi and other places.

In reply to the above allegation, the respondent no. 1 pleaded that the symbol of cow and calf was not a religious symbol nor was it so regarded by the Hindu community; that it was wrong that her political party induced the Election Commission of India to allot that symbol to her party; that it was also wrong that extensive use of and appeal to the religious symbol of cow and calf was made by her in any of the meetings addressed on 25th of February 1971. She added that during her speeches she merely informed the voters that the cow and calf was the election symbol of Congress (R) and that voting mark should be put on that symbol. Another plea raised on behalf of the respondent no. 1 in this connection was that the decision of the Election Commission in the matter of reservation of symbols was final and, the symbol of cow and calf having been allotted to the Congress (R), to which party the respondent no. 1 belonged, it could not be made a ground for her election being avoided under section 100 of the Representation of the People Act.

The evidence adduced by the petitioner under this issue can be classified under two heads:—

- (1) Reghubar Mithu Lal Shastri (P.W. 16) and Surya Bali Shukla (P. W. 34) were examined in order to depose about the position of the cow and calf in the Hindu religion. Sant Saran Vedanti (P.W. 33) deposed that he was a member of the Akhil Bhartiya Ram Rajya Parishad. He was examined to prove that in 1952 the Akhil Bhartiya Ram Rajya Parishad applied for the symbol of cow and calf being allotted to it but it was refused on the ground that it was a religious symbol. A. N. Sen (P.W. 54), Secretary, Election Commission of India, was examined to prove that Akhil Bhartiya Ram Rajya Parishad applied for the allotment of the symbol of cow and calf for the general election of 1952 and the same was refused.
- (2) Ram Nihore (P.W. 25), Raj Kishore Singh (P.W. 26), Ram Kumar (P.W. 46) are witnesses under the second head. They were examined to prove that during her speeches the respondent no. 1 said that cow and calf was a religious symbol and that people should therefore put their mark on that symbol while casting their votes.

So far as the evidence of the witnesses mentioned under the second head above is concerned, learned counsel for the respondent no. 1 urged that since there was no pleading in the petition that the respondent no. 1 made an appeal in any of her election meetings that the symbol of cow and calf was a 'dharmik prateek' the evidence was not in conformity with the pleadings and cannot be looked into. I have already referred to what has been alleged in the petition. As mentioned earlier, all that is stated therein that in the meetings addressed by the respondent no. 1 on 25th February 1971 she made use of and appealed to the religious symbol of cow and calf. It has not been clarified as to what words were used by the respondent no. 1 while making that appeal. In other words, the pleadings on the point have been left vague in the petition. Learned counsel for the respondent no. 1 urged that the evidence adduced by the petitioner in order to prove that, in the meetings addressed by her, the respondent no. 1 said that cow and calf was a religious symbol and consequently people should put their mark on that symbol, is not strictly in conformity with the pleadings. Learned counsel pointed

out that no amount of evidence can be looked into upon a plea which has not been put forth in the pleadings. In view of the objection raised on behalf of the respondent, learned counsel for the petitioner said at the time of argument that he confined his case only to the use of the symbol of cow and calf. He gave up that part of the case wherein it was alleged that appeals were made to the religious symbol of cow and calf by the respondent no. 1. It is accordingly not necessary to refer to the evidence of Ram Nihore (P.W. 25), Raj Kishore Singh (P.W. 26) and Ram Kumar (P.W. 46), nor is it necessary to refer to the evidence adduced by the respondent to rebut the evidence of the aforesaid P.Ws.

The question that, therefore, remains for consideration is whether the symbol of cow and calf was a religious symbol and the mere use of that symbol as an election symbol constituted a corrupt practice under section 123(3) of the Representation of the People Act.

It will first be convenient to dispose of the evidence of Sant Saran Vedanti (P.W. 33) and A. N. Sen (P.W. 34). Sant Saran Vedanti merely stated that the Akhil Bhartiya Ram Rajya Parishad applied for the election symbol of cow and calf in 1952 and that the Election Commission refused to grant that symbol to the Akhil Bhartiya Ram Rajya Parishad on the ground that it was a religious symbol.

The statement of Shri Sant Saran Vedanti that Akhil Bhartiya Ram Rajya Parishad, inter alia, applied for the symbol of cow and calf for the election of 1952 finds some support from the statement of Sri A. N. Sen (P.W. 54), Secretary to the Election Commission of India, who stated that it was apparent from the report of the First General Elections in India in 1951-52 that Akhil Bhartiya Ram Rajya Parishad asked for allotment of symbol of "milch cow with calf and milkmaid". A copy of that report was placed by Shri A. N. Sen on the record of this case and a perusal thereof does show that for the elections of 1952 Akhil Bhartiya Ram Rajya Parishad had applied, for the aforesaid symbol. Shri Sant Saran Vedanti, however, failed to place on record any copy of the order passed on the application of Akhil Bhartiya Ram Rajya Parishad for the allotment of the said symbol. He said that a reply had been received from the Election Commission but it was not traceable. In cross-examination he conceded that the reply received from the Election Commission was in English and that he could neither read nor understand English. The statement made by Shri Sant Saran Vedanti does not, therefore, constitute a sufficient proof of the fact that the Election Commission of India refused to allot the symbol of "milch cow with calf and milkmaid" because it treated that symbol to be a religious symbol. My attention was invited to the views expressed by the Election Commission in their report in the First General Elections in India (1951-52), wherein they said :

"The Commission decided that the symbols should be familiar to, and easily recognisable by, illiterate and ignorant voters and readily distinguishable by them from each other and that no object having any religious or sentimental association, e.g., a cow, a temple, the national flag, a spinning wheel and the like should find a place in the list of approved symbols."

I do not think that on the basis of the above view held by the Election Commission it can be inferred that the symbol of "milch cow with calf and milkmaid" was really treated by the Election Commission as a religious symbol and was refused on that ground. Assuming, however, that the Election Commission had a feeling that the symbol of cow with calf and milkmaid, applied for the Akhil Bhartiya Ram Rajya Parishad, was a religious symbol, that view is not binding on this Court. The court has to come to its own conclusion on the basis of the material placed before it and not to adopt the view expressed by the Election Commission.

Therefore, looked at from any angle, the evidence of Sri Sant Saran Vedanti (P.W. 33) fails to prove that the cow and calf is a religious symbol.

Coming to the evidence of Sri A. N. Sen (P.W. 54), as already stated, he merely said that it appeared from the report of the Election Commission for the year 1951-52

that Akhil Bhartiya Ram Rajya Parishad had applied for the symbol of milch cow with calf and milkmaid. The report filed by Sri Sen further shows that Akhil Bhartiya Ram Rajya Parishad was allotted the symbol of 'Rising Sun', which was their second preference. Nothing further is proved either by the statement of Sri A. N. Sen or by the report of the Election Commission for the year 1951-52. I accordingly hold that the evidence of Sri A. N. Sen (P.W. 54) can also have no bearing on the point whether the symbol of cow and calf allotted to the Congress (R) for the elections of 1971 was a religious symbol. In fact Sri A. N. Sen stated that the Election Commission did not consider the symbol of cow and calf to be a religious symbol within the meaning of section 123(3) of the Representation of the People Act and it was for that reason that the said symbol was allotted by the Commission to the Congress (R).

This takes me to the other two witnesses examined on this point by the petitioner, i.e. Raghubar Mithu Lal Shastri (P.W. 16) and Suraya Bali Shukla (P.W. 34).

Raghubar Mithu Shastri claimed to be a scholar of Hindu scriptures. After making a reference to the Vedas, Nihuti, the Bhagwat Puran, the Mahabharat etc., he deposed :—

"The cow and even image of cow or any portrait and even things closely associated with cow as sacred, have always been treated as God and worshipped by Hindus."

Now, it is a matter of common knowledge that in all scriptures of the yore resort has been made to similes, metaphors, allegories and hyperboles. Scholars in mythology give allowance to it while understanding the same. A reading of the statement made by Sri Raghubar Mithu Lal Shastri as a whole does not show that cow has been held to be one of the recognised Gods in the Hindu mythology, though she has been held sacred and worthy of great veneration. After making a reference to the 47th and 48th Verse of Chapter XXIII of Yajurveda, the witness said that according to said Verses, Vedas were light like Surya, lake equal to the Ocean is sky, Indra is greater than earth, but there is no measure for cow. The statement that there is no measure for cow does not in my opinion, leads to the conclusion that the cow was a God. It can very well mean that cow had no measure for its Utility and usefulness in the Hindu society. Again after referring to the 10th Kanda of the Yatherveda, the witness said that according to the First, Second and Third Mantras Thereof anybody who worships cow when it is born and worships it in its entirety, namely its hair, its hoofs, its colour and its appearance, alone is fit for being given the cow as a gift. Now, this again does not show that cow was equated with God. It only states that no person should be given a cow in gift unless he adores her, for, if he is not an adorer of a cow, he may maltreat her. Then the witness referred to Verse 101 in Chapter X, Mandal 8 and Mantra 151 of the Rigveda and said that the sense of that Mantra is that cow is the mother of 11 Rudra Gods, daughter of 8 Vansus, sister of 12 Adityas and centre of immortality or nectar. According to the witness, the Mantra carries a mandate that a cow which is without any defect or default and at the same time not humble should never be killed. Now the mere fact that cow has been described in the aforesaid part of Rigveda as mother of some Gods and sister of others cannot in my opinion lead to the conclusion that cow, was given the status of God. It is well known that the cow's milk has been held to be extremely useful and it is said that it carries medicinal properties. It is also said that one who lives on cow's milk enjoys a long life. It was, therefore, said in this Mantra that cow was the centre of immortality or of nectar. It appears that it was also for this reason that cow has been associated with Rudra Gods and Vasus in the aforesaid Mantra. After making a reference to Sloka 10 of Chapter XVI, third Ashvamedh of the Bhagwat the witness said :

"Those people who treat the highly spiritual Brahmines, cows and living beings having no shelter, who are the very physical body of mine, thinking them to be different from me will have trouble by the yul-ture like messengers of Yama representing me."

The Hindu belief is that God resides within every living being and more so within those who are holy and live a sacred life. It is also one of the beliefs that God looks after those who are not looked after by anybody. It is in that sense that it has been stated in the Bhagwat the God resides



within spiritual Brahmins cows, and living beings having no shelter. To enjoin that they are treated with respect, it is further stated therein that if anybody treats them to be different from God he will have to suffer consequences for the same. I do not think it can be inferred on the basis thereof that cow was herself a God. In fact Sri Raghubar Mithu Lal Shastri himself made significant concessions during his cross-examination to dispel the theory sought to be enunciated by him during his examination-in-chief that cow is God in Hindu mythology. He said that if by seeing the picture of a calf, one's pity is aroused then that calf will be religious symbol. In answer to a further question he said that not only a bullock but any living creature that evoked pity is a religious symbol. In answer to the question as to what was the quality, besides being fit for worship, which makes an article a religious symbol, the witness said that if anything or object serves the purpose of coming in great use in life e.g. to preserve human life it becomes a thing of worship, and that economics also plays a part in the matter. It is needless to dilate any further on the statement made by Sri Raghubar Mithu Lal Shastri (P.W. 16). I would state at the cost of repetition that his evidence in my opinion does not lead to the conclusion that cow is God and, therefore, a religious symbol.

Learned counsel for the petitioner also referred me to the evidence of Dr. Pattabhi Ram Shastri (R.W. 35) and urged that the statement made by him also leads to the conclusion that cow has been held to be a God in Hindu mythology. I have, therefore, perused the statement of Dr. Pattabhi Ram Shastri (P.W. 34) as well and I am unable to agree with learned counsel for the petitioner. Dr. Pattabhi Ram Shastri clearly stated in the examination-in-chief that the picture or portrait of a cow and calf is not a religious symbol. He further stated that in shastras cow has been mentioned only as one of the dravyas (articles) and in Vedas it has been considered to be the national wealth. He was then confronted with some scriptures in order to elicit from him that cow was God. Most of the scriptures were the same as have been referred to by Dr. Raghubar Mithu Lal Shastri (P. W. 16) and it would be useless to refer to them in detail again. The statement made by Dr. Pattabhi Ram Shastri in cross-examination also leads to the same conclusion, namely that cow has been mentioned with reverence and adoration in the holy scriptures. That certainly does not mean that cow is God or one of the Gods.

I learned counsel for the petitioner then referred to the book 'Gosewa' written by Mahatma Gandhi (Translated by Ram Narain Chaudhary). The portion relied upon by the learned counsel for the petitioner occurs on page 12 of the Book and reads as follows :—

"Phirbhi samanya Hinduan ke liye to goraksha ka ptem him Hindu tatva ke mukhya lakshanya thaakata hai."

Learned counsel stressed that Mahatma Gandhi was a great scholar and the aforesaid view expressed by him in his book should also lead to the conclusion that has been held to be a God in Hindu mythology. I cannot ascribe that meaning to the aforesaid words occurring in the Book 'Gosewa'. To my mind that does not mean anything beyond this that to carry love for cow is one of the tenets of Hindu religion. That obviously is based on the fact that since a long time, rather since the times of the holy scriptures, cow has been treated sacred in Hindu religion. Everything that is sacred does not become God.

Reference was also made by learned counsel for the petitioner to a Book "Gae ki jan bachane ka bayan" by Khwaja Hasan Nizami. Particular stress was laid by learned counsel for the petitioner on the contents of pages 35 and 46-47 of this Book. Page 35 reproduces a Fatwa by one Maulana Abdul Hai. All that has been stressed in it is that cow slaughter was not one of the essentials of Islam, that since cow slaughter offends against Hindu religion and causes pain to the Hindu neighbour, it was necessary for the Muslims to refrain from indulging in cow slaughter. I fail to understand how anything contained in this Fatwa can go to prove that cow is God. It only mentions a humane principle that nothing should be done which offends the followers of another religion. Coming to pages 46 and 47, they purport to carry the translation of the

farman of the Emperor Babar. The advice given in this Farman by Emperor Babar to his son was that he should remain from cow slaughter, so that he could capture the love and respect of the Hindu population of the country. Again, it was a lesson in politics that was given by Emperor Babar through this Farman. That certainly does not prove that cow is God.

Reference was also made by learned counsel for the petitioner during his arguments to a Book "Hindu Pantheon" by Edward Moor (pages 78 and 79). On page 79 it is stated that images of cow and of her calf are worshipped in India. In paragraph 3 on page 78 it is said, "A cow, the reader will perceive, is no unimportant mythological personage, nor is the bull, the latter has been spoken of, in another place, as the nandi of Mahadeva, and the symbol of divine justice." In the third paragraph on page 79 it is said, "A cow sucking a calf is a very favourite subject of Hindu artists, in paint ivory, brass, mortar etc." It is not stated either on page 78 or on page 79 of this Book that cow is held to be a God in the Hindu religion.

Learned counsel for the petitioner then referred me to Encyclopedia Britannica, 1962 Edition, Vol II, wherein describing Hinduism, it is stated :—

"Many animals, plants and natural objects are sacred in varying degrees, the most noteworthy being the cow. The bull is specially sacred because of his connection with God Shiva. But the cow is divine in her own right and is generally revered as the representative of mother earth."

In the Webster's new international Dictionary the word 'divine' has been assigned the meaning of "God or pertaining to God, proceeding from God; appropriated to God; pertaining to or proceeding from a deity; God like and heavenly. 'Now' everything that pertains to God or proceeds from God or is appropriated to God or is God like or heavenly is not necessarily itself a God. While saying that the cow is divine in her own right, the sense conveyed is that though bulls and other animals are held sacred because of their association with some God, cow is held sacred without any such association. Reliance was also placed by learned counsel for the petitioner on some observations made by the Supreme Court in the case Mohammad Hanif Qureshi and other versus State of Bihar (A.I.R. 1958 Supreme Court 731 at pp. 744 and 755 para 22). Learned counsel particularly invited my attention to the sentence occurring on page 75, which State that cow was gradually raised to the status of divinity. That sentence is, however, to be read in the context in which it is mentioned and not removed from it. In the opening part of paragraph 22 it is stated that in the Vedic times animal flesh formed the staple food of the people, and that goats, sheep, cows, buffaloes and even horses were slaughtered for food and for religious purposes and that their flesh used to be offered to the Gods. Thereafter reference has been made to some authorities of Hindu mythology and it is stated :

"Though the custom of slaughtering of cows and bulls prevailed during the Vedic period, nevertheless, even in the Rigveda times there seems to have grown up a revulsion of feeling against the custom. The cow gradually came to acquire a special sanctity and was called 'Aghnya' (not to be slain). There was a school of thinkers amongst the Rsis, who set their face against the custom of killing such useful animals as the cow and the bull. High praise was bestowed on the cows as will appear from the following verses from Rg. Veda, Book VI, Hymn XXVIII (Cow) attributed to the worship of sage Bhardvaja..."

A reading of para 20 as a whole thus makes it appear that in the early Vedic times cow and bull were slaughtered for food as well as for religious sacrifices. Gradually the Aryans realised the usefulness of the cow and the bull which led to the cow and bull being raised in the Hindu mythology in high terms. It appears that in order to prevent the slaughter of the bull and cow, particularly in realisation of the great utility of the cow, this course was adopted in the Hindu scriptures. I do not agree that anything said by the Supreme Court in the decision M. H. Qureshi v. State of Bihar (supra) and contained in para 22 of the report thereof amounts to saying that cow is treated to be a God in the Hindu religion.

Whether the cow and calf is a religious symbol, should in fact be understood in the sense common man understands it. The common man in our country does not delve deep into the Vedas, Purans and Smritis in order to know the identity and status of deities in the Hindu mythology. No one can deny that cow, like other cattle, are bought and sold all over the world since times immemorial. It also cannot be denied that cows are so often shabbily treated by an ordinary man. It is beyond the understanding of a common man professing Hindu religion that the Hindu Gods and deities should be so humble and weak and any person may buy and sell them at his pleasure and any person can maltreat them. Again if cow is a deity, the entire race thereof in this universe should be held deities which is not very much understandable. The rational view, therefore, is that, in view of her high utility, cow is treated with great reverence. It cannot, however, be equated with God or deity.

Another aspect of the matter is that section 123 (3) makes the use of a religious symbol to be a corrupt practice. According to learned counsel for the petitioner, cow is a deity and the picture of the cow should, therefore, be a religious symbol. The question, however, is what is the meaning of the word 'symbol'? According to Webster's New International Dictionary 'symbol' can signify in common, a visible thing that stands for or suggests something invisible or intangible; it can apply to anything that serves as an outward sign of something else. According to Corpus Juris Secundum, 'symbol' means an object chosen to typify or represent some idea or quality in something else because of a resemblance in one or more of their characteristics or association.

In view of the aforesaid meaning of the word 'symbol' the picture of cow and calf cannot be held to be the symbol of cow herself. On this reasoning also it cannot be held to be a religious symbol.

The point whether the cow and calf is a religious symbol or not came up for consideration directly in the cases *Bhanwar Lal v. Ram Sahai Pandey and others* (A.I.N. 1972 Madhya Pradesh 176 at p. 179), Election petition No. 2 of 1971 (Shital Prasad Misra, Nitiraj Singh Chaudhary), decided by the High Court of Madhya Pradesh on 21st July 1971 and published in Madhya Pradesh Gazette, dated 23rd June, 1971, Pt. I. p. 7809 paras 18 to 23 and *Sri Prasanna Das Damoder Das Palwar v. Indu Lal Kanhaiya Lal Yajnik*, decided by the High Court of Gujarat on 27th August, 1971, published in Gujarat Gazette dated 20th July 1972, Pt IV C, p. 1342 at page 1355 to 1362. It was uniformly held in all the three cases that the cow and calf is not a religious symbol. The point whether cow is a religious symbol or not also came up for consideration in one context or the other in the cases *Shah Jayanthi Lal Amba Lal v. Kasturi Lal Nagin Das Doshi* (36 Election Law Reports 189), *Baijnath Singh Vaidya v. Ravendra Pratap Singh* (36 Election Law Reports 327); *Bishambhar Dayal v. Raj Rajeshwar and others* (39 Election Law Reports 363 at p. 376); *Dinesh Dangi v. Daulat Ram* (39 Election Law Reports 465 at p. 476); *Shyam Lal v. Mause Din and others* (37 Election Law Reports 67 at p. 89); *B. P. Maurya v. Prakashvir Shastri* (37 Election Law Reports 137 at p. 147); *Sohadar Rai v. Ram Singh Aharwar and others* (37 Election Law Reports 176 at p. 188); *Vishwanath Prasad v. Salamat Ullah and others* (27 Election Law Reports 145 at p. 186 bottom and *Lachchi Ram v. Jamuna Prasad Mukhariya and others* (9 Election Law Reports 149 at p. 157). It was held in all these cases that cow is not a religious symbol.

It will thus appear that the consensus of authorities overwhelmingly supports the view that the picture of cow and calf is not a religious symbol. Learned counsel for the petitioner could not cite any case in which a contrary view may have been expressed.

I accordingly find that the respondent no. 1 cannot be held guilty of having committed a corrupt practice under section 123(3) of the Representation of the People Act merely because of the user of the symbol of cow and calf as her election symbol or because of her having said to the electors, during the speeches addressed by her within the constituency, that cow and calf was the symbol of the Congress Party and that they should put the voting mark against that symbol.

Issue no. 6 is, therefore, answered against the petitioner and in favour of respondent no. 1.

#### ISSPE NO. 9 & WRIT PETITION NO. 3761 of 1975 :

In para 13 of the election petition it is alleged that the respondent no. 1 and her election agent incurred an expenditure much beyond the prescribed limit of Rs. 35,00/- and thereby committed a corrupt practice under section 123(6) of the Representation of the People Act. The petitioner has also given some items of expenditure alleged to have been incurred by the respondent no. 1 and her election agent but not shown in the return of election expenses. They are as follows :—

(1) The hiring charges of vehicles specified in para 13 (1)	Over Rs.	1,28,700/-
(2) Cost of petrol & diesel for the vehicles specified in para 13 (1)	Over Rs.	43,230/-
(3) Payments made to the drivers of the vehicles specified in para 13 (1)	Over Rs.	9,900/-
(4) Repairing & servicing charges the vehicles specified in para 13 (1) of the petition.	Over Rs.	5,000/-
(5) Payments made to the workers engaged for the purpose of election propaganda	Rs.	6,600/-
(6) Expenses on the erection of polling camps near the polling stations on the polling days		10,000/-
(7) Expenses on the erection of rostrums for the public meetings addressed by the respondent no. 1 in the constituency on 1st February and 25th February 1971	Rs.	1,32,000/-
(8) Expenses on arrangement of loud speakers for the various election meetings of respondents no. 1 addressed on 1st of February and 25th of February, 1971	Rs.	7,000/-
(9) Expenses on respondent no. 1's transport by Air Force planes and helicopters for addressing election meetings on 1st of February 1971 and 25th of February 1971	Rs.	1,68,000/-
(10) Expenses on barricading of the routes to the places of the election meetings addressed by the respondent no. 1 on 1st of February 1971 & 25th February, 1971	Rs.	2,00,000/-
(11) Expenses on T. A. & D. A. paid to the members of the Police Force posted along the route up the place of election meetings of respondent no. 1 on 1-2-1971 and 25-2-1971	Rs.	1,40,000/-
(12) Expenses on motor transport for the conveyance of respondent no. 1 and her party to the place of her election meetings on 1st of February 1971 and 25th of February 1971	Over Rs.	2,000/-

The reply of the respondent no. 1 to the above allegation is contained in para 17 of her written statement, wherein she denied that any of the alleged expenditure was incurred by her or her election agent. In regard to the item mentioned at serial no. 1 above, she said that some vehicles were used by the District Congress Committee for doing work of the Indian National Congress (R) in the three parliamentary constituencies, and that hiring charges thereof, if any, were also

paid by the District Congress Committee, out of its own party funds. The registration nos. of vehicles alleged to have been so used by the District Congress Committee are mentioned in para 17(b) of the written statement. In regard to the items of expenditure mentioned at serial nos. 2, 3 and 4 above, the respondent pleaded that the expenditure in that connection, if any, must have been incurred by the District Congress Committee and that, in any case, she or her election agent did not incur any expenditure in that connection. With regard to the item of expenditure mentioned at serial no. 5, the respondent no. 1 pleaded that all the workers who participated in the election were members and office-bearers of the party and that they did the work voluntarily and not for any remuneration. With regard to the item of expenditure mentioned at serial no. 6, the respondent no. 1 said that the polling camps, wherever they were established, were arranged by the District Congress Committee or the Mandal Congress Committee, and that at most of the places local workers brought dais, jajims etc. to spread them under some shady tree near the polling stations. The respondent added that no expenditure was incurred by her, or by her election agent in that connection and that the expenditure, wherever it was necessary, was incurred by the District Congress Committee. Referring to the item of expenditure mentioned at serial no. 7, she pleaded that the rostrums were constructed under the direction of the State Government and that the bills for the same, in accordance with Government notifications, were either paid or shall be paid by the Pradesh Congress Committee. She added that no expenditure in that connection was incurred by her or by her election agent. Referring to the expenses mentioned at serial no. 8, the respondent no. 1 pleaded that the arrangement of loudspeakers was made by the District Congress Committee of Rae Bareilly and that the bills were paid by them out of their own funds. She denied any amount having been paid by her or by her election agent in that connection. Referring to the item of expenditure mentioned at serial no. 9, the respondent no. 1 pleaded that the charges for the air journeys made by her had either been paid or shall be paid by the All India Congress Committee. In regard to the item of expenditure mentioned at serial no. 10, the respondent no. 1 pleaded that the entire arrangements in that connection were made voluntarily by the State Government at their own initiative as a part of their duty and the expenses were also borne by them. It was added that in any event she or her election agent did not incur any expenditure in that connection.

The petitioner did not adduce any evidence in order to prove that any of the expenditures alleged by him in para 13 and its sub-paragraphs were actually incurred by the respondent no. 1 or her election agent. The petitioner's stand was that, on the own admission of respondent no. 1, expenditure on most of the items alleged by him was incurred by the political party to which she belonged, and that those expenses are liable to be added to the election expenses of the respondent no. 1, in view of the decision of the Supreme Court in the case *Kanwar Lal Gupta v. Amar Nath Chawla* (A.I.R. 1975 Supreme Court 308). After taking into consideration various aspects of the matter, the Supreme Court in the aforesaid case summed up its conclusion thus (on page 316 Col. 1) :—

"When the political party sponsoring a candidate incurs expenditure in connection with his election, as distinguished from expenditure on general party propaganda, and the candidate not only takes advantage of it or participates in the programme or activity or fails to disavow the expenditure or consent to it or acquiesces in it, it would be reasonable to infer, save in special circumstances, that he impliedly authorised the political party to incur such expenditure and he cannot escape the rigor of the ceiling by saying that he has not incurred the expenditure, but his political party has done so."

Further on (at 316, Col. 2) it was again said :—

"In the first place, a political party is free to incur any expenditure it likes on its general party propaganda though, of course, in this area also some limitative ceiling is eminently desirable coupled with filing of return of expenses and an independent machinery to investigate and take action. It is only where expenditure is incurred which can be identified with the election of a candidate that it would be liable to be added to the expenditure of that candidate as being impliedly authorised by him."

Relying on the above case, learned counsel for the petitioner urged that such items of expenditure as may, in the present case, be found to have been incurred by the Congress (R), either through the D.C.C. or the P.C.C. or the A.I.C.C., must be added to the election expenses of the respondent no. 1 as shown in the return (Exh. 5). Learned counsel further urged that if it is found that the total exceeds the prescribed limit of Rs. 35,000, the election of the respondent no. 1 should be set aside.

In order to undo the effect of the decision of the Supreme Court in the case *Kanwar Lal Gupta v. Amar Nath Chawla* (Supra) the Representation of the People (Amendment) Ordinance, 1947 was promulgated by the President, which was later replaced by the Representation of the People (Amendment) Act, 1974, hereafter to be called the Amending Act. Two Explanations have been added to section 77 of the Representation of the People Act. Explanation I reads as follows:—

"Notwithstanding any judgment, order or decision of any Court to the contrary, any expenditure incurred or authorised in connection with the election of a candidate by a political party or by any other association or body of persons or by any individual (other than the candidate or his election agent) shall not be deemed to be and shall not ever be deemed to have been, expenditure in connection with the election incurred or authorised by the candidate or by his election agent, for the purposes of this sub-section :

Provided that nothing contained in this Explanation shall affect :—

- (a) any judgment, order or decision of the Supreme Court whereby the election of a candidate to the House of the People or to the Legislative Assembly of a State has been declared void or set aside before the commencement of the Representation of the People (Amendment) Ordinance, 1974 (13) of 1974
- (b) any judgment, order or decision of a High Court whereby the election of any such candidate has been declared void or set aside before the commencement of the said Ordinance if no appeal has been preferred to the Supreme Court against such judgment, order or decision of the High Court before such commencement and the period of limitation for filing such appeal has expired before such commencement."

The petitioner felt that the Amending Act was constitutionally void. Entertaining some doubt on the point whether the constitutionality of the Amending Act could be challenged in the proceedings under the election petition, the petitioner filed Writ Petition No. 3761 of 1975, impleading the Union of India and Smt. Indira Nehru Gandhi (respondent No. 1 of the election petition) as the respondents. In the writ petition the petitioner first reproduced para 13 of the election petition which contained allegations regarding the undisclosed expenditure incurred by the respondent no. 1. The petitioner then reproduced para 17 of the written statement of the respondent no. 1 in extenso, which contained a reply to the allegations contained in para 13 of the election petition. The petitioner then proceeded to give a brief resume of the proceedings in the election petition and then said in para 16 that from the admissions made by the respondent no. 1 (of the election petition) and the documentary evidence it was apparent that the respondent no. 1, the State Government and the ruling Congress Party together incurred an expenditure well beyond the permissible limit of Rs. 35,000/- and that the entire expenditure was incurred in connection with the election of respondent no. 1. Reference has thereafter been made to the decision of the Supreme Court in the case of *Kanwar Lal Gupta v. Amar Nath Chawla* (supra) to the Amending Ordinance and to the Amending Act. The relevant provision of the Amending Act has been reproduced in the petition. Thereafter the petitioner has alleged the grounds on which he challenged the constitutional validity of the Amending Act and prayed for the following reliefs :—

(i) That the Representation of the People (Amending) Ordinance, 1974 (no. 13 of 1974) and the Representation of the People (Amending) Act, 1974 (no. 58 of 1974) be declared unconstitutional and void.

(ii) That a writ, direction or order be issued restraining the respondent no. 1 from placing any reliance on the alleged Ordinance and the Act aforesaid.

Counter affidavits have been filed on behalf of both the respondents in the writ petition maintaining that the Amendment Act was constitutionally valid. The learned Attorney General appeared on behalf of the Union of India to support the constitutional validity thereof.

In case *State of Bihar v. Hardutta Mills* (A.I.R. 1960 Supreme Court 378) it was observed :—

"In case where the vires of the statutory provisions are challenged on constitutional grounds, it is essential that the material facts should first be clarified and ascertained with a view to determine whether the impugned provisions are attracted, if they are, the constitutional challenge to its validity must be examined and decided.

If, however, the facts admitted or proved do not attract the impugned provisions, there is no occasion to decide the issue about the vires of the said provisions. Any decisions on the said question would in such a case be purely academic. Courts are and should be reluctant to decide constitutional points merely as matters of academic importance."

In the case *Barsi Municipality v. Lokmanya Mills* (A.I.R. 1973 Supreme Court 1021) the Supreme Court observed :—

"It is a wise tradition with courts not to decide a constitutional question if the case can be disposed of on other grounds."

In the above view of the matter, it will be desirable first to consider the petitioner's case on the point of expenses, assuming that the Amendment Act does not exist and accepting the interpretation of section 77 of the Representation of the People Act as made by the Supreme Court in the case of *Kanwar Lal Gupta v. Amar Nath Chawla* (supra). In case it is found, after examining the petitioner's case in that manner, that the expenses incurred by the Congress (R) in connection with the election of the respondent no. 1, together with the expenses shown by the respondent no. 1 in her return (Exh. 5), exceed the prescribed limit of Rs. 35,000/-, it will be further necessary to examine the contentions raised on either side about the constitutional validity of the Amending Act. The point whether the expenditure incurred by the State Government, independently of the respondent and the Congress (R), should or should not be added to the expenses of the candidate shall also have to be considered at the same time. If it is found that the expenditure incurred by the Congress Party in connection with the election of the respondent no. 1, together with the election expenses shown by her in the return (Exh. 5) do not exceed the prescribed limit, there will be no occasion to consider the constitutional validity of the Amendment Act.

Before I proceed to examine each item of expenditure alleged by the petitioner, it will be necessary to take notice of the legal position regarding the burden of proof. It has been consistently held that a charge of corrupt practice is substantially akin to a criminal charge and the standard of proof therefore is the same as in a criminal trial. A grave and heavy onus, therefore, rests on the accuser to establish each and every ingredient of the charge by clear, unequivocal and unimpeachable evidence beyond reasonable doubt. A charge of corrupt practice cannot be established by a mere balance of probabilities and, if, after giving due consideration to the totality of the evidence and circumstances of the case, the mind of the Court suffers with reasonable doubt, it must be held that the charge is not proved. See *Razik Ram v. J. S. Chauhan* (A.I.R. 1975 Supreme Court 667, paras 15 and 16), *Rahim Khan v. Khurshid Ahmad* (A.I.R. 1975 Supreme Court 290), *Maghraj Patodia v. R. K. Birla* (A.I.R.

1971 Supreme Court 1295, *Mohan Singh v. Dhanwari Lal* (A.I.R. 1964 Supreme Court 1366, para 12) and *Jagdish Singh v. Pratap Singh* (A.I.R. 1965 Supreme Court 183).

Having thus noticed the legal position about the burden of proof, I now proceed to consider each item of expenditure, which according to the stand now taken by the petitioner was incurred either by Congress Party or the Government in connection with election of respondent no. 1.

#### 1. Hiring charges of Vehicles.

According to the petitioner, 32 vehicles, registration nos. whereof have been specified, had been hired and used for the purpose of election propaganda for the respondent no. 1 and an expenditure of over Rs. 1,28,700/- was incurred in that connection. As already stated earlier, the respondent no. 1 denied this allegation but added that 23 vehicles (registration nos. whereof are specified in para 17(b) of the written statement) were so used by the District Congress Committee, Rae Bareilly, for election work of the Indian National Congress (R) in the three parliamentary constituencies viz, Rae Bareilly, Amethi (situate in district Sultanpur and partly in district Rae Bareilly) and Ram Sanahi Ghat (situate in district Barabanki and partly in the district of Rae Bareilly). It was further pleaded by the respondent no. 1 that the hiring charges of those vehicles, if any, were paid by the District Congress Committee out of its own party fund as they were engaged for the party work by the District Congress Committee.

The petitioner did not lead any evidence to prove that the 32 vehicles specified in the election petition were either hired or engaged by or on behalf of the respondent no. 1 for election work. The petitioner has relied on the admission made by the respondent no. 1 in the written statement and it was urged on his behalf of that the expenses incurred over hiring the 23 vehicles mentioned in the written statement of the respondent no. 1 are liable to be added to the election expenses of the respondent no. 1. Before however, it is done the petitioner must prove two things :—

(i) That the 23 vehicles referred to in para 17(b) of the written statement had been taken on hire ;

and

(ii) That those 23 vehicles had been used in connection with the election of the respondent no. 1 and not for the general party propaganda.

Taking up point no. (1) above, it cannot be ignored that in view of the position held by the respondent no. 1, there could be no dearth of people who could offer their vehicles, without charges anything, for election work within the constituency of respondent no. 1. It has not been admitted by the respondent no. 1 in the written statement that the 23 vehicles referred to by her had been obtained by the District Congress Committee on hire. All that has been pleaded is that they had been engaged or used by the District Congress Committee for the purposes of the election. While referring to the hire charges, the respondent no. 1 qualified her statement in the written statement by saying that such charges, if any, were paid by the District Congress Committee. There is thus nothing in the written statement of the respondent no. 1 on which the petitioner may rely in order to contend that all the 23 vehicles referred to in the written statement had been obtained on hire, and that no vehicle was obtained gratis. The respondent no. 1 had disclosed the registration numbers of the vehicles in the written statement and, consequently, it cannot be successfully contended that it was impossible for him to adduce any evidence on the point whether the vehicles were obtained on hire or they, or any of them, were obtained gratis. Once the petitioner was in possession of the registration numbers of the vehicles, he could find out the names of the owner thereof from the Regional Transport Office concerned and he could examine at least some of them in order to prove whether the vehicles had been obtained on hire or gratis. The petitioner has not done so nor has he offered any explanation for that omission.

The petitioner had also to prove as to what was the rate of the hire charges for which the vehicles had been obtained and for what period they had been obtained. The petitioner could conveniently prove that fact also by examining the

owners of the vehicles referred to by the respondent no. 1 in her written statement. The petitioner could even examine some other persons before whom the settlement between the owners of the vehicles and the representative of the District Congress Committee may have been reached regarding the rate of hire and the period for which the vehicles were obtained. Needless to say that no evidence has been adduced by the petitioner to prove the aforesaid fact.

Taking up the second point, it has been observed in the case of *Kanwar Lal Gupta v. Amar Nath Chawla* (supra) that expenditure incurred by the political party sponsoring a candidate shall be liable to be added to the expenses of the candidate only if it is incurred in connection with the election of the candidate as distinguished from the expenditure on general party propaganda. It was clearly stated that a political party is free to incur any expenditure it likes on its general party propaganda. It was, therefore, necessary for the petitioner to prove that the 23 vehicles referred to in para 17(b) of the written statement were used in connection with the election of the respondent and not on general party propaganda. It is admitted on both hands that part of Amethi constituency and part of Ram Sanahi Ghat constituency also fall within the district of Rae Bareilly. It is, therefore, not impossible that the vehicles were used for the general party propaganda for the benefit of the three candidates, without the propaganda being particularly connected with the respondent no. 1. Obviously, a number of persons within the constituency would have seen the vehicles operating during the period of election. It was, therefore, not impossible for the petitioner to examine a couple of witnesses to indicate to the Court as to whether the vehicles were used only for party propaganda or they, or any of them, were used in connection with the election of the respondent no. 1. The petitioner, however, did not examine any witness to throw any light on that point, nor has he offered any explanation in that connection.

Learned counsel for the petitioner referred me to the documents (Exhs. A-10, A-42 and A-43) in order to contend on the basis thereof that the 23 vehicles referred by the respondent no. 1 in her written statement were actually engaged and used in connection with her election. Exh. A-10 is the copy of the letter dated 23rd February, 1971 sent by Dal Bahadur Singh, President, District Congress Committee, Rae Bareilly, to the District Election Officer, Rae Bareilly, intimating that the 23 vehicles specified in that letter had been engaged by the District Congress Committee for election work in Rae Bareilly, Amethi and Ram Sanahi Ghat constituencies. It was prayed that the vehicles may be derequisitioned. It appears that this letter failed to achieve its purpose. Sri Dal Bahadur Singh, therefore, scribbled out a note for Sri Yashpal Kapur (R.W. 32), on the original letter. This note is Exh. A-43. Through this note Sri Dal Bahadur Singh requested Sri Yashpal Kapur to send a letter to the District Election Officer on the lines of his letter (Exh. A-10), requesting him that, since the vehicles specified in his letter had been engaged by the District Congress Committee, the same may be derequisitioned. It was also mentioned in this note that Sri Dal Bahadur Singh had tried to contact the candidates from the other two constituencies, namely Amethi and Ram Sanahi Ghat, but they were not available. Exh. A-42 is the letter sent by Sri Yashpal Kapur to the District Election Officer, repeating the prayer that was contained in the letter dated 23rd February, 1971 (Exh. A-10) sent by Sri Dal Bahadur Singh. The registration numbers of the vehicles were specified in the letter and it was urged that since the vehicles had been engaged by the District Congress Committee for election work in Rae Bareilly, Amethi and Ram Sanahi Ghat constituencies, they may be derequisitioned. Learned counsel then referred me to section 160 of the Representation of the People Act, Clause (b) of sub-sec. (1) thereof confers power on the State Government to requisition any vehicle, vessel etc. needed in the election for the purposes specified therein. The proviso appended to sub-sec. (1) states that no vehicle, vessel or animal which is being lawfully used by a candidate or his agent for any purpose connected with the election of such candidate shall be requisitioned under this sub-section until the completion of the poll at such election. Learned counsel for the petitioner stressed that in view of the provision contained in section 160 of the Representation of the People Act vehicles derequisitioned by the Government under sub-section (1) of section 160 could be released only on the ground that they were engaged and were being used by a particular candidate. It was urged that since Sri Yashpal Kapur, election agent of respondent no. 1, moved the District Election Officer for the

release of the vehicles, it should be inferred that the vehicles were engaged and were being used in connection with the election of respondent no. 1. The argument superficially looking appears to be quite attractive, but it does not bear but a careful scrutiny. As already stated, Sri Dal Bahadur Singh first wrote a letter to the District Election Officer for the release of the vehicles. It was expressly stated in that letter that the vehicles had been engaged by the District Congress Committee for the election work in the three parliamentary constituencies falling within the district of Rae Bareilly and consequently they may be released. The implied mandate in section 160, however, was that the vehicles requisitioned by the State Government under sub-section (1) thereof could not be de-requisitioned unless it was shown that they had been engaged or were being used by any candidate. Sri Dal Bahadur Singh had, therefore, no option but to request Sri Yashpal Kapur to send a letter to the District Election Officer in his name for the release of the vehicles. It cannot be lost sight of that even in his note (Exh. A-43) to Sri Yashpal Kapur, Sri Dal Bahadur expressly stated that the vehicles had been engaged by the District Congress Committee. Towards the end of the letter it is mentioned :

"Aap se nivedan hai ki zila nirvachan अधिकारी को उक्ता पत्रा अवश्य लिख देवे ताकि तेनो लोक सभा Kshettra का कुर्या चुनौ जो कि zila congress committee की ओर से चाल रहा है थप ना हो जावे."

As to why this request was made to Sri Yashpal Kapur only is also explained by the note (Exh. A-43), for, it states that efforts had been made to contact the candidates of the other two constituencies but it could not be possible and hence the request was made to Sri Yashpal Kapur. A perusal of the letter (Exh. A-42) sent by Sri Yashpal Kapur to the District Election Officer would reveal that it was explicitly stated in that letter as well that the 23 vehicles mentioned in that letter had been engaged by the District Congress Committee for election work in Rae Bareilly, Amethi and Ram Sanahi Ghat constituencies. It was not mentioned even by implication that the vehicles had been engaged in connection with the election of the respondent no. 1. Sri Yashpal Kapur (R. W. 32) was cross-examined on this point and he said that the vehicles specified in the list accompanying Exh. A-42 were used in the three parliamentary constituencies by the District Congress Committee. He was not confronted by the provision contained in section 160 of the Representation of the People Act and was not questioned specifically as to why did he write a letter to the District Election Officer for release of vehicles if they had not been engaged and were not being used in connection with the election work of the respondent no. 1. I do not think the documents Exhs. A-10, A-42 and A-43 can constitute a safe basis for concluding that the 23 vehicles had been engaged or used in connection with the election of the respondent no. 1. I concede that the letter Exh. A-42, sent by Sri Yashpal Kapur to the District Election Officer for release of vehicles, raises a suspicion that those vehicles or most of them were possibly used in connection with the election of the respondent no. 1. This is all the more so because according to Sri Yashpal Kapur, he had only one vehicle for his exclusive use. No other vehicle, according to him, was exclusively used in connection with the election of respondent no. 1. It indeed does not appear very credible that, for a candidate like the respondent no. 1, only one vehicle would have been used exclusively for her election work. All the same the fact remains that suspicion, however strong it may be, cannot take the place of proof. I accordingly refuse to infer on the basis of the aforesaid three documents that the 23 vehicles mentioned in the letters (Exh. A-10 and Exh. A-42) were used in connection with the election work of the respondent no. 1.

Learned counsel for the petitioner next urged that the best way for the petitioner to prove as to how many vehicles were hired by the District Congress Committee in connection with the election work and for what amount, was to summon the election expenses of the District Congress Committee. Learned counsel pointed out that with that end in view, the petitioner summoned Mohan Lal Tripathi (P. W. 59) along with the election expenses and Sri Tripathi has filed a register (marked as no. 1) containing a statement of expenses. Learned counsel for the petitioner urged that help can be obtained from the entries contained in that register about the amount spent by the District Congress Committee over the vehicles used for election work. It will, therefore, be necessary to refer to the evidence of Sri Mohan Lal Tripathi (P. W. 59).

Sri Mohan Lal Tripathi (P. W. 59) is the existing General Secretary of the District Congress Committee, Rae Bareilly. He filed two registers and, for the sake of easy reference only, they were marked as Register No. 1 and Register No. 2. The Register No. 1, according to Sri Mohan Lal Tripathi, contains entries relating to the expenditure incurred in connection with the election in all the three parliamentary constituencies within the district of Rae Bareilly. Sri Mohan Lal Tripathi, however, further on showed a negative attitude in the witness box in order to prevent the entries contained in the register being proved according to law. He said that since the register was five years' old, he could not say who had made the entries. It was then put to him whether the entries were in the hand of Sri Gaya Prasad Shukla and he said that even though he had seen Gaya Prasad Shukla writing, he could not say whether the entries in the register were in his hand. The register No. 1 contains initials of some person at two different places in lieu of the entries having been checked. The witness was, therefore, asked whether he could identify those initials and he said that he could not. Sri Mohan Lal Tripathi thus neither himself proved the entries in the register nor did he provide any information to enable the petitioner or the Court to summon some other person for proving those entries.

At the time of argument learned counsel for the respondent no. 1 moved on application admitting four of the credit entries in the Register No. 1 and for getting them marked as exhibits. Learned counsel for the petitioner urged that since four of the entries have already been admitted by the respondent no. 1, it should be assumed that the respondent no. 1 has accepted the correctness of the entries and, consequently, there should be no hurdle in the way of the entries being taken into consideration. I am unable to accept this argument. Register No. 1, technically speaking, is not the document of respondent no. 1. It was produced in Court at the instance of the petitioner as petitioner's document. It was open to the respondent no. 1 to admit it in part, and that is what the respondent no. 1 has done by getting four of the entries therein exhibited. On that account it cannot be said that all the entries in the register stand proved.

Since the register containing the four entries admitted by the respondent no. 1 is not proved, no help can be taken by the petitioner from that register in order to prove the expenditure incurred by the District Congress Committee on the hiring of the vehicles in question.

Learned counsel for the petitioner also urged that the respondent no. 1 did not file in Court the original account of election expenses. It was further urged that on the own admission of Sri Yashpal Kapur the account was maintained by Sri Gaya Prasad Shukla, and Sri Dal Bahadur Singh was overall in charge of election work, but the respondent no. 1 withheld those witnesses, even though they had been summoned to give evidence. According to learned counsel for the petitioner, this circumstance should lead to an inference being drawn against the respondent no. 1, and the inference would be that the vehicles specified in para 17(b) of the written statement, as also in the letters Exh. A-10 and A-42, had been obtained on hire in connection with the election work and were used in connection with the election of the respondent no. 1. I am afraid I cannot agree with this contention. It was necessary for the petitioner first to discharge the primary burden that lay on him. He should have adduced evidence by examining the owners or the drivers of some of the vehicles alleged to have been obtained on hire and should have further adduced evidence to show that the vehicles were used in connection with the election of the respondent no. 1 and not for party propaganda. Without discharging that initial burden of proof, the petitioner cannot ask the Court to draw an inference against the respondent no. 1 on the ground that the expenses contained in register no. 1 were not admitted by her and that Gaya Prasad Shukla and Dal Bahadur Singh, who played prominent role in the election, were summoned and yet not examined.

I, therefore, conclude that the petitioner has failed to prove that any expenditure was incurred either by the respondent no. 1 or by the District Congress Committee in obtaining any vehicles for doing work in connection with the respondent no. 1's election.

2. Cost of Petrol and Diesel used by the vehicles specified in Para 13(1) of the petition.

According to the petition, petrol and diesel costing Rs. 43,230 was used by those vehicles. I have, however, already held that the petitioner has failed to prove that the vehicles in question were used in connection with the election of the respondent no. 1 and that the possibility of the vehicles having been used only for party propaganda in all the three constituencies cannot be excluded. According to the observations made by the Supreme Court in the case of *Kanwar Lal Gupta v. Amar Nath Chawla* (A.I.R. 1975 Supreme Court 308), on which reliance is placed by the petitioner, a political party can incur any expenditure on the party work and that expenditure cannot be added to the election expenses of the candidate sponsored by that party, unless it is shown that the expenditure had been incurred in connection with the election of the candidate inasmuch as the candidate took advantage of it or participated therein. As also stated earlier, not a lot of evidence has been led by the petitioner in order to show what propaganda was being done from those vehicles or for what purpose those vehicles were used. The respondent no. 1 of course did not visit the constituency except twice. It is not even suggested that the respondent no. 1 personally participated in the propaganda that was being done from those vehicles or that the respondent no. 1 utilised those vehicles in any other manner. Sri Yashpal Kapur was the election agent of the respondent no. 1 and there is no evidence even to show that Sri Yashpal Kapur in any manner participated in the propaganda that was being done from those vehicles or that he made use of any of those vehicles in any other manner for the purposes of the election. The election campaign continued for a fairly long time and people must have seen how and in what manner those vehicles were being used. Even if it was not possible for the petitioner to give evidence in regard to each of the 23 vehicles, evidence could be given at least in regard to some of them. This has not been done. Nor is there any explanation for that omission. There can be no presumption in the circumstances of the case to the effect that the vehicles were actually used in connection with the election of the respondent no. 1. Consequently any expenditure incurred over purchase of petrol for those vehicles cannot be added to the election expenses of the respondent no. 1.

3. Payments made to the drivers of the vehicles specified in Para 13(1) of the Petition.

As already stated earlier, the petitioner alleged in the election petition that 32 vehicles had been hired and engaged by the respondent no. 1 but he adduced no evidence to prove it. The stand taken by him was that the expenditure incurred by the District Congress Committee on the vehicles hired by it should be added to the election expenses of the respondent no. 1. According to the respondent no. 1, only 23 vehicles had been hired by the District Congress Committee and, according to the stand taken by the petitioner at the time of argument, the expenditure incurred in making payments to the drivers of the said 23 vehicles is in any case liable to be added to the election expenses of the respondent no. 1.

While considering the first item of expenditure, I have already held that it is not proved that the said vehicles were in any manner used in connection with the election of the respondent no. 1 and that the possibility of those vehicles having been used solely for party work during the election cannot be excluded. In that view of the matter, any expenditure incurred in making payments to the drivers of those vehicles can by no means be added to the election expenses of the respondent no. 1.

4. Repairing and Servicing charges of the vehicles referred to above.

In view of my conclusion earlier that there is no evidence to prove that the said vehicles were used in connection with the election of the respondent no. 1, any amount spent over the repairing and servicing of those vehicles cannot be added to the election expenses of the respondent no. 1. It is needless to dilate any further on this point.

5. Payments made to the workers engaged for the purpose of election propaganda.

According to the allegations contained in the petition, a sum of Rs. 6,600 was spent in making payments to the workers engaged for the purpose of election propaganda. The allegation is of a bald nature. It does not disclose as to what



was the approximate number of workers engaged and at what rate they had been engaged. If the petitioner knew that a large number of persons were engaged by the respondent no. 1 or his election agent on payment for doing election work, it should not have been impossible for the petitioner to disclose a few names out of those workers or to give some idea about the number of workers. This has not been done. When Sri Yashpal Kapur (R. W. 32) was cross-examined on this point, he denied that any workers had been engaged on payment for doing election work. According to him, people worked voluntarily for the respondent no. 1. There being no evidence to the contrary, the statement made by Sri Yashpal Kapur cannot reasonably be discarded.

I accordingly find that the petitioner has failed to prove camps near the polling stations on the polling days.

6. Expenses of the erection of respondent no. 1's polling camps near the polling stations on the polling days.

According to the allegations in the petition, a sum of Rs. 10,000 had been spent in erection of polling camps. It is, however, not alleged in the petition as to at what polling stations the respondent no. 1 had erected polling camps of the nature which could cost any substantial expenditure. The allegation is, therefore, of a wholly bald nature. The workers of the petitioner must have been present at all the polling stations and there appears no reason why the petitioner could not furnish some evidence to indicate as to what was the nature of the polling camps erected on behalf of the respondent No. 1 at those polling stations so that the Court could make any assessment of the expenditure incurred in that connection, if at all, Sri Yashpal Kapur, cross-examined on that point, said that he took round of quite a large number of polling stations on the polling days and at many of the polling stations there were no shamiyanas or kanats but daris and jajims alone had been spread, which had been brought by the local people. He further said that at some polling stations shamiyanas and kanats were there, but they too were arranged by the local people. Questioned further, he said that he could not say if the District Congress Committee arranged for the shamiyanas and kanats in the city, but so far as rural area was concerned, the arrangement was made by the local people only.

The result, therefore, is that on the evidence, as it exists on record, it is impossible to cull out as to what was the nature of the polling camps erected on behalf of the respondent No. 1 at the various polling stations. If shamiyanas and kanats had actually been used in erecting the polling camps at any polling station, at how many of the polling stations such arrangement was done. Assuming for a moment that even if the District Congress Committee spent any money over the erection of polling camps, that expenditure is liable to be added to the election expenses of the respondent No. 1, being in a way connected with her election, there should be some evidence to show the nature thereof and further the fact as to at how many polling stations it was done. Unless this information is provided it would be pure speculation to form any idea about the number of the polling camps, the nature thereof and the expenditure incurred on the erection thereof. Such speculation to my mind is not permissible. I accordingly find that the petitioner has failed to prove the expenditure alleged to have been incurred over erection of polling camps. 4.2

7. Expenses of the erection of rostrums for the public meetings of the respondent no. 1 within the constituency on 1st of February 1971 and 25th of February, 1971.

According to the allegation in the petition, a sum of Rs. 1,32,000 was spent on this head. Learned counsel for the petitioner urged that since barricading in the meeting forms part of the rostrum, as deposed to by Sri Mohinder Singh (R. W. 39), the cost of barricading has also been included under this head.

Now, so far as the barricading constructed at the place of the meeting is concerned, it is done by the State Government for the purposes of maintenance of law and order, apart from the purpose of security. It is the first duty of any Government established by law to maintain law and order. It is a matter of common knowledge that a very large number of people collect in order to see and hear the speeches of their Prime Minister, whoever he or she may be. If proper arrangements for controlling of the crowds at such meetings are not made, there can be stampeding in the

event of any disturbance, and this can lead to greater trouble. It is, therefore, for controlling of the crowds that the Government breaks up the place of the meetings into segments by putting up barricades. Setting up of barricades does not facilitate in the Prime Minister delivering a speech. The Prime Minister can do so even without it.

It is thus apparent that the barricades had been set up by the Government at its own expense in discharge of its normal duty. Consequently that expenditure cannot be added to the election expenses of the respondent No. 1.

This takes me to the expenditure over construction of rostrums. It cannot be denied that the rostrums had been constructed by the Government for the use of the respondent so that she could deliver speeches to the audiences in her meetings from a commanding position and in an effective manner. The question, however, is whether the expenditure incurred by the State Government would fall under section 77, even according to the interpretation put on that section in the case of Kanwar Lal Gupta. v. Amar Nath Chawla (Supra). After the decision in that case, there is no doubt that expenditure incurred by a political party in connection with the election of a candidate sponsored by it, as well as the expenditure incurred by friends and admirers of that candidate should be added to the election expenses of that candidate. This is so in order that a candidate may not circumvent the ceiling imposed by section 77 of the Act, by asking his political party or his friends and admirers to do what he himself cannot do. The Government seldom incurs any expenditure in connection with the election of any candidate. It does not, therefore, appear that the Legislature, while enacting section 77 of the Act, intended to include therein expenses incurred by the Government as well. Assuming, however, that the expenditure incurred by the State Government in connection with the construction of rostrums is liable to be added to the expenses of the respondent No. 1, in view of the fact that the rostrums were constructed as a result of the tour programmes sent from the office of the respondent No. 1 and she later made use of those rostrums and did not disavow them, the total expenditure incurred by the State Government in that connection comes to Rs. 16,000. It may be appropriate to clarify the position further in this connection. The respondent no. 1 attended 5 meetings on the occasion of her visit on 1st of February 1971. One of those meetings was addressed at Bachchrawan, which does not fall within the constituency of Rae Bareilly. Thus only four meetings at which rostrums were constructed were addressed by the respondent no. 1 in her constituency on 1st of February 1971. According to letter (Exh. 158) a sum of Rs. 1600 was spent on construction of each of those rostrums. The total costs of the four rostrums thus comes to Rs. 6,400. According to letter Exh. 201, rostrums had been constructed for 6 meetings addressed by the respondent no. 1 on 25th of February 1971. According to letter Exh. 190, a total amount of 9,600 was spent on the construction of those rostrums. The total amount spent on the 10 rostrums comes to Rs. 16,000. This amount will include the money paid by the District Congress Committee as their share of the cost of rostrums.

I, therefore, conclude that at best a sum of Rs. 16,000 can be added to the election expenses of the respondent no. 1 as expenditure incurred on the construction of rostrums.

8. Expenses of loudspeaker arrangements.

According to the election petition, a sum of Rs. 7,200 was spent on the expenses of loudspeakers in the meeting addressed by the respondent no. 1 on the 1st of February, 1971 and 25th of February, 1971. The letter (Exh. 177) sent by the Superintendent of Police, Rae Bareilly to Sri Gaya Prasad Shukla shows that arrangements for loudspeakers for the meetings addressed by the respondent No. 1 on 1st of February, 1971 was done by him. Presumably, he did so on behalf of the District Congress Committee. The letter (Exh. 193) shows that on the occasion of the visit of the respondent no. 1 to Rae Bareilly on 25th of February 1971 as well no expenditure had been incurred by the Government. Learned counsel for the petitioner, however, urged that even though the expenditure on arrangement of loudspeakers had been done by the District Congress Committee, or by Sri Gaya Prasad Shukla personally, the fact remains that the expenditure was directly connected with the election of respondent No. 1 and the latter participated therein by making use of those loudspeakers. Learned counsel stressed that the expenditure incurred over arrangement of loudspeakers should therefore be added to the election expenses

of the respondent No. 1. There can be no denying the fact that the loudspeakers had been installed for the use of the respondent No. 1 and, consequently, I agree that, even though the expenditure was incurred in that connection by the District Congress Committee, it must be added to the expenses of the respondent No. 1. The petitioner has not led any evidence to show as to what was the number of loudspeakers used at every meeting. On 1st of February 1971 the respondent No. 1 addressed meetings in the rural part of the constituency except one which appears to have been addressed by her in Rae Bareilly city (vide tour programmes Exhs. 26 and 42). In view of the fact that a large number of people should have gathered in the meetings of the respondent No. 1 because she happened to be the Prime Minister of the country, it should be presumed that at least 3 loudspeakers should have been used at each of the meetings. It would therefore follow that at the four meetings addressed on 1st of February 1971 the total number of loudspeakers installed would have been approximately 32. According to exhibit 193, loudspeakers were hired for the police lines at the rate of Rs. 10 per loudspeaker per day on the aforesaid occasions. Expenditure over installation of loudspeakers in the meetings of the respondent no. 1 can also be calculated on the same rate, and, thus calculated, the total cost of 32 loudspeakers would come to Rs. 320. On 25th of February 1971 the respondent No. 1 addressed 6 meetings within the constituency. If 8 loudspeakers were installed at each of these meetings, the total number of loudspeakers for all the six meetings would come to 48. Calculating the expenditure incurred thereon at the rate of Rs. 10/- per loudspeaker the total comes to Rs. 480/-.

Therefore, the total amount incurred on installation of loudspeakers in the meetings addressed by the respondent No. 1 on the 1st of February 1971 and 25th of February 1971 comes to Rs. 800/-.

Apart from it, electricity had also been provided for functioning of the loudspeakers at some meetings, as is apparent from the letter (Exh. 147). Through this letter the superintendent of Police, Rae Bareilly asked the President of the Pradesh Congress Committee to pay a sum of Rs. 1151/- as cost of energy supplied for the functioning of the loudspeakers. From the letter (Exh. 146) it appears that this amount was remitted by the Pradesh Congress Committee. This amount should be treated as amount spent in the installation of the loudspeakers.

Adding the amount of Rs. 1151/- to the aforesaid amount of Rs. 800/-, the total comes to Rs. 1951/-.

Learned counsel for the petitioner also urged that some poles had been erected to carry the line to the place of the meetings and the expenditure incurred in that connection should also be added. It is, however, a matter of common knowledge that in the matter of temporary connections the poles etc. that are utilised for providing the temporary connection are taken away by the department after the energy is disconnected. In that view of the matter, the amount spent over putting any poles for carrying the line to the places of the meetings cannot be held to be expenditure within the meaning of that word.

In the result, therefore, a sum of Rs. 1951/- only should be added to the election expenses of the respondent No. 1, being the expenditure incurred in connection with the arrangement of loudspeakers in the meetings addressed by the respondent No. 1.

#### 9. EXPENSES OF RESPONDENT NO. 1'S TRANSPORT BY AIR FORCE PLANES ON 1st of February, 1971 and 24th of February 1971

According to the allegations in the petition, a sum of Rs. 1,68,000/- was spent in this connection. In answer to issue No. 2, however, I have held that none of the two flights were made by the respondent No. 1 in connection with her election and that, on the contrary, the flights on both occasions were parts of the general election tour of the country made by the respondent No. 1. For same reason I find that any expenditure incurred in the flights made by the respondent No. 1 on 1st of February, 1971 and 25th of February 1971 should not be added to the election expenses of the respondent No. 1.

#### 10. EXPENSES OF BARRICADING OF THE ROUTES TO THE PLACES OF THE ELECTION MEETINGS ON 1st of February 1971 and 25th of February 1971

While answering Issue No. 3, I have held that barricading along the routes had been done by the State Government as part of its own duty for controlling the crowd and maintaining law and order. That expenditure cannot in any way be held to be connected with the election of the respondent No. 1. The expenditures incurred by the State Government in setting up barricades along the routes by which the Prime Minister travelled on 1st of February 1971 and 25th of February 1971 cannot therefore be added to her election expenses.

#### 11. EXPENSES ON T.A. & D.A. PAID TO THE MEMBERS OF THE POLICE FORCE LINING THE ROUTES ON 1st of February, 1971 and 25th of February 1971

Once I have concluded that barricading along the routes was done by the Government in discharge of its own duties to control the crowd and to maintain law and order, it is obvious that the members of the Police Force were also posted along the routes for the same purpose. Any amount paid to the members of the Police Force for lining the routes on the aforesaid dates cannot be held to be expenditure incurred in connection with the election of the respondent No. 1.

Consequently, any amount spent by the State Government in paying T. A. and D. A. to the members of the Police Force for their remaining on duty on 1st of February 1971 and 25th of February, 1971 cannot be added to the election expenses of the respondent No. 1.

#### 12. EXPENSES OF MOTOR TRANSPORT FOR THE CONVEYANCE OF RESPONDENT NO. 1 TO THE PLACES OF HER ELECTION MEETINGS ON 1st of February 1971 AND 25TH OF FEBRUARY 1971

According to the allegation in the petition, a sum of Rs. 2,000/- was spent under that head. According to the letter (Exh. 136), the charge payable for the car journey made by the respondent No. 1 was 75 paise per kilometer. Learned counsel for the respondent No. 1 worked out the distances covered by the respondent No. 1 on 1st of February 1971 and 25th of February 1971 within her constituency and, calculating the charges payable at the rate 75 paise per kilometer, the figure arrived at by him comes to Rs. 232.50 paise only. Se. Rs. 232.50 p. was payable in that connection. A copy of the chart prepared by learned counsel for the respondent No. 1 was handed over by him to the learned counsel for the petitioner and the latter has not refuted the correctness thereof.

It should, therefore be accepted that the expenditure of Rs. 232.50 p. only was incurred in providing transport to the respondent No. 1 on 1st of February 1971 and 25th of February 1971.

Learned counsel for the petitioner urged that from the evidence on record it transpires that expenditure was also incurred on the telephone connection and telephone charges; on the meetings addressed by Shri Yaspal Kapur within the constituency during the period of election; on the election material viz. pamphlets, posters etc.; and on the lighting arrangements made for some meetings addressed by the respondent No. 1. According to learned counsel, these expenses are also liable to be added to the election expenses of respondent No. 1. None of these expenses were, however, pleaded in the petition. In fact, till the commencement of the arguments in the case the respondent no. 1 could not even anticipate that the petitioner shall rely on these expenses for the purposes of his case. It will, therefore, be prejudicial to the interest of the respondent No. 1 if the aforesaid expenses are taken into consideration. The submission made by learned counsel for the petitioner is accordingly negatived.

To sum up the only expenses that can possibly be added to the election expenses of the respondent No. 1 are :—

1. Cost of construction of Rostrums	Rs. 16,000/-
2. Cost incurred in installation of loudspeakers	Rs. 1,951/-
3. Cost in providing car transport to the respondent no. 1	Rs. 232.50
	<hr/> Rs. 18,183.50 <hr/>

According to the return of election expenses of the respondent No. 1 (Exh. 5), an amount of Rs. 12,892.97 p. was incurred over her election expenses. Adding the aforesaid



amount of Rs. 18,183.50 p., to this figure of Rs. 12,892.97 the total comes to Rs. 31,976.47 p., i.e. sufficiently below the prescribed limit of Rs. 33,000.

My conclusion, therefore, on Issue No. 9 is that the total amount of expenditure incurred or authorised by the respondent No. 1 or her election agent, together with the amount proved to have been incurred by the party or by the State Government in connection with her election, does not exceed the prescribed limit, and, therefore, the respondent No. 1 has not committed any corrupt practice under section 123(6) of the Act.

Coming to the writ petition, since the petitioner has failed to prove that the expenses incurred by the respondent No. 1 or her election agent, together with the expenses found to have been incurred by the political party viz. Congress (R) or the State Government, in connection with her election exceed the prescribed limit, no ground is made out for inquiring into the vires of the Amending Act and the writ petition should accordingly fail.

#### Issue No. 2 OF THE ADDITIONAL ISSUES:

In para 2 of the petition it is alleged that the respondent no. 1 held herself out as a prospective candidate from 22 Rae Bareilly parliamentary constituency, with the election in prospect, immediately after the dissolution of the Lok Sabha on 27th December 1970, and as such she was a candidate from the said constituency on and from 27th December, 1970. The plea of the respondent on that point is contained in para 1 and para 1(a) of the additional written statement. She denied therein that she held herself out as a candidate from Rae Bareilly parliamentary constituency and was a candidate from that constituency from 27th December, 1970 onwards. It was further pleaded by her that she held herself out as a candidate on filing her nomination paper in Rae Bareilly on 1st of February, 1971.

The question for consideration, therefore, is as to whether the respondent no. 1 held herself out as a candidate only on 1st of February, 1971, or she had held herself out as a candidate on any date earlier than that. If so, from what date?

The plea of the respondent no. 1 that she held herself out as a candidate from 22 Rae Bareilly parliamentary constituency on 1st of February 1971, on filing her nomination paper at Rae Bareilly, has no legs to stand. There is overwhelming documentary evidence which points to the conclusion that the respondent no. 1 had positively held herself out as a candidate before that day.

Exh. 26 is the copy of a radiogram dated 25th of January, 1971 sent by the Private Secretary of the respondent no. 1 to the Chief Secretary, U.P. Government Lucknow, apprising him of the tour programme of respondent no. 1. According to this tour programme, the respondent no. 1 had to file her nomination at Rae Bareilly on 1st of February, 1971 at 12 o'clock noon. Exh. 27 is a letter dated 27th January, 1971 sent by the Assistant Secretary, U.P. Government to the various authorities, enclosing therewith a copy of this tour programme. According to that copy as well, the respondent no. 1 was to file her nomination paper at Rae Bareilly at 12.15 o'clock noon. Exh. 188 is copy of a letter sent by the Superintendent of Police, Rae Bareilly to the Superintendent of police, Training and Security Branch, Intelligence Department, U.P. dated 25th January, 1971, enclosing therewith a copy of the d.o. letter of the same date sent by him to D.I.G. Police, Lucknow, asking for police force. In the copy of that d.o. letter it is stated that he Congress Office at Rae Bareilly had indicated to him (Superintendent of Police, Rae Bareilly) the tour programme of the respondent no. 1 as specified therein. According to that tour programme, the respondent no. 1 was to file her nomination paper at Collectorate, Rae Bareilly between 12 and 12.15 o'clock noon. Raj Kumar Singh (P.W. 56) is Secretary Parliamentary Affairs of All India Congress Committee. According to him, the tour programme of the Prime Minister as leader of the party is prepared in the office of the All India Congress Committee. It is then sent to the Prime Minister's secretariat and it is only after the tour programme is approved by the respondent no. 1 that it is issued from there. The respondent no. 1 also, during her cross-examination, conceded that the tour programme concerning the political work is sent by the All

India Congress Committee and that they are finalised after her approval is obtained. She further conceded that the tour programme (Exh. 26) must have been issued after she had approved of it.

Since a tour programme was received from the office of the respondent no. 1 by the State Government at Lucknow on 25th of January 1971, and since a tour programme was also received in the Congress office at Rae Bareilly on the same day, as is apparent from Exhibit 188, and further since it was explicitly stated in those tour programme that the respondent no. 1 would file her nomination paper at Rae Bareilly on 1st of February 1971 at or about 12 o'clock noon, there appears no escape from the conclusion that the respondent no. 1 had held herself out as a candidate from Rae Bareilly constituency at least some time before 25th of January 1971.

A reference may also be made at this stage to the statement on oath made by Smt. Gandhi, respondent no. 1 (R.W.37). She deposed that final decision for contesting election to the Lok Sabha from the Rae Bareilly parliamentary constituency was taken by her on 1st of February 1971 and that she did not make any announcement or declaration before 1st of February 1971 in that regard. Learned counsel for the respondent no. 1 stressed that the statement made by the respondent no. 1 could be disbelieved. In fact he even suggested that while assessing the weight of the evidence of the respondent no. 1, the fact of the high office held by her should not be ignored. It should be conceded that when a person appears in Court as a witness and his evidence appears to be natural and probable, the status and respectability attaching to him is also taken into consideration to lend further assurance to his testimony. The status and respectability of the witness alone cannot, however, induce the Court to accept his/her testimony, more so when he or she is himself/herself a party to the proceedings and interested in the result of the case. In such cases the evidence of that person has to be assessed without in any manner being obsessed by the high office that he or she may hold. The evidence of the respondent no. 1 should therefore be assessed according to the established principles, like the evidence of any other witness without in any manner being influenced by her high office.

The respondent no. 1 stated in cross-examination that she took decision to contest election from Rae Bareilly after her arrival there and after she had talked to the President of the P.C.C. and the workers of the area. Her attention was then invited to the tour programme (Exh. 26) dated 25th of January 1971, which, inter alia, mentioned that the respondent no. 1 was to file her nomination paper at Rae Bareilly on 1st of February 1971. She then said that the words "file nomination" appeared to have been added in ink and, consequently, she could not say whether those words existed originally or not. Her attention was then invited to the tour programme (Exh. 43) and she then conceded that she could recollect that the tour programme approved by her included the filing of nomination paper by her at Rae Bareilly at 11.50 a.m. She, however, still asserted that no decision had been taken by her on or about 25th of January 1971 to file the nomination paper for contesting election from Rae Bareilly constituency. She said that it was tentatively mentioned in the tour programme, so that if she decided to contest election from Rae Bareilly the nomination paper could be filed there on 1st of February 1971 at 11.50 a.m. Now, this statement does not appear to me to be natural or probable. If no such decision had really been taken, there is no reason why it should have been explicitly mentioned in the tour programme that she would file her nomination paper at Rae Bareilly on 1st of February 1971. If she were eventually to take a decision on her arrival at Rae Bareilly on 1st of February 1971, she could file the nomination paper there without that fact being even tentatively mentioned in the tour programme, which was officially communicated to the State Government. It is also worthy of notice that this fact was also mentioned in the copy of the tour programme received in the Congress Office at Rae Bareilly. It can safely be inferred from the letter (Exh. 188) that the tour programme was received in the Congress Office at Rae Bareilly on or before 25th of January 1971. If the respondent no. 1 had not decided till 25th January 1971 to contest election from Rae Bareilly, why it was so mentioned in the tour programme sent to the State Government and to the Congress Office at Rae Bareilly that the respondent no. 1 shall file her nomination paper there on 1st of February 1971.

The respondent no. 1 said that she had several places in her mind and it was for this reason that she did not take a decision in the matter till 1st of February 1971, on which date she went to the Rae Bareilly and had a talk with the Congress workers there. It was, therefore, put to her whether in the tour programme relating to any other district or place, issued from her office, there was a mention of her filing the nomination paper from there, and she had to concede that no tour programme was issued from her office indicating that she would file her nomination paper from any place other than Rae Bareilly. The nomination paper could be filed only between 1st of February and 3rd of February 1971. If it were true that the respondent No. 1 had other places in her mind till 1st of February 1971, from where she contemplated to contest election, the tour programmes covering whose places would also normally have been issued, and it should have been tentatively mentioned in the tour programme as well, as was mentioned in the tour programme (Exh. 26), that she would file her nomination paper there. The fact that in the tour programme (Exh. 26), issued from the office of respondent no. 1, it was mentioned that the respondent no. 1 was to file her nomination paper at Rae Bareilly, together with the fact that no tour programme was issued indicating that she would file her nomination paper from any place other than Rae Bareilly, leaves no room for doubt that the respondent no. 1 had decided before 25th of January 1971 to contest election from Rae Bareilly. The fact that a copy of the tour programme indicating that fact was also received in the Congress Office at Rae Bareilly on or about 25th January 1971, further shows that the respondent no. 1 not only had formed a decision to contest election from Rae Bareilly, but that she has also conveyed that decision to the constituency. In fact even the tour programme (Exh. 26) received by the State Government was not to be kept secret. It was conveyed to the relevant authorities and copies of that tour programme (Exh. 43) were, inter alia, forwarded to the President, District Congress Committee and Sri Gaya Prasad Shukla of the Kendriya Congress Karyalaya, Rae Bareilly. The explanation given by the respondent no. 1 in regard to the mention in the tour programme (Exh. 26) about her filing nomination paper thus does not bear any scrutiny.

It may not be out of place to add that the statement made by the respondent no. 1 that she had decided to contest election from Rae Bareilly only after her arrival there on 1st of February 1971 and after her having talked to the President of the P.C.C. and local Congress workers is also inconsistent with her own pleadings. Para 1(a) of her additional written statement reads as follows:—

"That in fact there were offers from other parliamentary constituencies in India, requesting this respondent to stand as a candidate for the Lok Sabha from those constituencies and a final decision in regard to the constituency was announced by the All India Congress Committee only on January 29, 1971 and she only held herself out as a candidate on filing her nomination at Rae Bareilly on 1st of February 1971 (underlining is by me)."

The contents of para 1(a) from beginning up to the words 'only on January 29, 1971' were verified by the respondent no. 1 to be true on information received from Sri K. N. Joshi, Parliamentary Secretary of the All India Congress Committee, New Delhi. Further a final decision about the candidature of respondent no. 1 to contest election from Rae Bareilly parliamentary constituency could not have been taken by the All India Congress Committee without the respondent no. 1 herself arriving at a decision in that regard. The respondent no. 1 was, therefore, questioned on that point in cross-examination. She first said that the Congress Party did not take any decision about the constituency from which she was to contest the election. Her attention was then invited to para 1(a) of the Additional Written Statement and she said:—

"There appears to be some mistake in the averment contained in this paragraph of the Additional Written Statement. As I know, the All India Congress Committee did not take any decision or make any announcement regarding my candidature on January 29, 1971. Sri K. N. Joshi, Parliamentary Secretary of the All India Congress Committee did not, within my knowledge, make any announcement regarding my candidature on 29th January, 1971."

She was then asked whether she received any information from Sri K. N. Joshi, Parliamentary Secretary of the All India Congress Committee, New Delhi, to the effect that the final decision in regard to her constituency was announced by the All India Congress Committee on January 29, 1971. After going through the Additional Written Statement the respondent No. 1 replied that even though it was so stated therein, she did not recollect about it. She was then asked whether she could say with certainty that no announcement was made by the All India Congress Committee on January 29, 1971 about her constituency and she only replied that she did not know whether any such announcement was or was not made. Pressed further, she said that she had read the Additional Written Statement before signing it and that, to the best of her ability, she took care that whatever was contained in the Additional Written Statement was true. She, however, added that the language contained in the Additional Written Statement was legal language which she found difficult to clearly understand. All that I would say is that the statement made by the respondent No. 1 fails to satisfactorily explain the inconsistency.

Learned counsel for the respondent No. 1, in a bid to explain the inconsistency, urged at the time of argument that the pleadings contained in para 1(a) of the Additional Written Statement only mean that the final decision taken by the All India Congress Committee was to leave the matter to the respondent No. 1 for a decision being taken by her. The argument is stated only to be rejected. If all that the All India Congress Committee had done was to have left the matter to be decided by the respondent No. 1, it could not be said that the All India Congress Committee had taken any decision, much less a final decision, about the constituency. The explanation offered by learned counsel for the respondent No. 1 can also, therefore, be not accepted.

Reference may also be made here to interrogatory No. 5 of the second set of interrogatories and the answer thereto given by Sri Jagpat Dubey, the Attorney of the respondent. Interrogatory No. 5 reads as follows:—

"Whether the All India Congress Committee decided your candidature without having your approval? (If the answer is in the negative, on what date did you give your approval for being a candidate from 22 Rae Bareilly Parliamentary Constituency)."

The answer to this interrogatory is as follows:—

"The decision of the All India Congress Committee was a tentative one. It was open to respondent No. 1 to stand from any constituency, whether it was 22 Rae Bareilly Parliamentary Constituency or any other, and the All India Congress Committee would not have objected to any decision by her. The question, therefore, or respondent No. 1 giving any formal approval to any decision did not arise."

From the above it would appear that, till the stage of filing reply to the interrogatories, the respondent No. 1 did not deny that a decision had been taken by the All India Congress Committee about her candidature. All that she said was that the decision was tentative and could be changed by her. When the respondent No. 1 however, entered the witness box she took a different stand and said that so far as she knew no decision about her candidature was taken by the All India Congress Committee. When the attention of the respondent No. 1 was invited to the aforesaid reply given on her behalf, she again said that she had no knowledge if the All India Congress Committee took even a tentative decision about her constituency. Now, if she had no knowledge about any such decision, how and under what circumstances it was admitted in reply to the interrogatories served on her, remains to be unexplained.

In view of the pleadings contained in para 1(a) of the Additional Written Statement and in view of the reply to interrogatory No. 5, I have no doubt that the All India Congress Committee did take a formal decision about the candidature of respondent No. 1, namely that she would contest election from Rae Bareilly.

The respondent No. 1 was the unquestioned leader of the Congress (R). The A.I.C.C. could not, therefore, have taken a decision about the constituency of respondent No. 1 without

the respondent No. 1 having given out her own mind. This circumstance, together with the fact that the tour programme issued from the office of the respondent No. 1 on 25th January 1971, copies whereof had been sent not only to the Government but also to the Congress Office at Rae Bareilly, intimating that the respondent No. 1 shall file her nomination paper at Rae Bareilly on 1st of February 1971, leaves no room for doubt that the respondent No. 1 held herself out as a candidate before 25th of January, 1971. The plea of the respondent No. 1 that she held herself out as a candidate for the first time on the 1st of February 1971 is not established to be true.

Reference was also made by learned counsel for respondent No. 1 in this connection to the statement on oath made by Sri Yashpal Kapur (R.W. 32) I shall deal with the evidence of Sri Yashpal Kapur exhaustively when I record my finding on Issue No. 1 (first set) and on Additional Issue No. 1. It should be sufficient at this stage to consider only that part of the testimony of Sri Yashpal Kapur which relates to the point under consideration. Sri Yashpal Kapur stated that on the arrival of the respondent No. 1 at Rae Bareilly Inspection House, the members of the District Congress Committee, Rae Bareilly, had an interview with her in which they requested her to contest election to the Lok Sabha from Rae Bareilly. He further said that after having heard the members of the District Congress Committee, the respondent No. 1 took Sri Kamalapati Tripathi aside and talked to him. He further said that the respondent No. 1 also talked to him, after having talked to Sri Kamalapati Tripathi, and it was thereafter that she announced that she had decided to contest election to the Lok Sabha from Rae Bareilly. The statement appears to be too artificial to carry credence. In the first instance, in view of the fact that the tour programme had already been sent by the respondent No. 1 to the State Government as well as to the Congress Office at Rae Bareilly, intimating that she would file her nomination paper at Rae Bareilly on 1st of February 1971, it is not understandable why the members of the District Congress Committee should have waited upon the respondent No. 1 in order to request her to contest election from Rae Bareilly. Again, on the own admission of Sri Yashpal Kapur, Sri Kamalapati Tripathi and respondent No. 1 had travelled together in the same place from Delhi to Amausi. It is not disputed to the respondent No. 1 that Rae Bareilly was one of those places from where she intended to contest election. Sri Kamalapati Tripathi was the President of the U.P. Congress Committee. Therefore, if respondent No. 1 had to talk to Sri Kamalapati Tripathi about the propriety of her contesting election from Rae Bareilly, or anything connected with it, she could conveniently talk to him in the plane during the journey between Delhi and Amausi. Further, it was also admitted by Sri Yashpal Kapur that the respondent No. 1 and Sri Kamalapati Tripathi travelled in the same car from Lucknow to Rae Bareilly. Therefore, even if the respondent No. 1 had not talked to Sri Kamalapati Tripathi about any matter connected with her election when she travelled in the plane with him, she could have done so when she travelled with Sri Tripathi from Lucknow to Rae Bareilly in the same car. In the face of these circumstances, it is not at all understandable why it should have become necessary for the respondent No. 1 to take Sri Kamalapati Tripathi aside and talk to him, after she had talked to the members of the District Congress Committee at the Inspection House, Rae Bareilly, before announcing her decision to contest the election from Rae Bareilly. I have no doubt in my mind that Sri Yashpal Kapur made the aforesaid statement only to fortify the plea set up by the respondent no. 1 that she had decided to contest election from Rae Bareilly only on 1st of February 1971 and not earlier than that.

Sri Yashpal Kapur was also confronted with the tour programme (Exh. 26 and Exh. 43), wherein it was explicitly stated that the respondent no. 1 was to file her nomination paper at Rae Bareilly on 1st of February 1971. He, however, said that he still maintained that the respondent no. 1 had not taken any decision before 1st of February 1971 to contest election from Rae Bareilly. He was then questioned as to what was the basis of that Statement made by him, and to that the witness replied :—

"My reply that the respondent no. 1 had taken a decision to contest election from Rae Bareilly constituency on 1st of February 1971 is based on what happened in the Inspection House that day within my view."

I have, however, already said that the statement made by Sri Yashpal Kapur about what happened at the Inspection House, Rae Bareilly, on 1st of February 1971 is not at all probable.

Sri Yashpal Kapur was also confronted with the news item (Exh. 84A) published in the issue of 'Navjeevan' dated 15th of January 1971, wherein, quoting the decision of the Congress Parliamentary Board, it was said that the respondent no. 1 would contest election from Rae Bareilly and that sitting members of Parliament in U.P. shall contest election from the same constituency from which they had been elected to the dissolved Parliament. The witness replied that he was not aware whether any such decision had been taken by the Central Congress Parliamentary Board, nor could he vouch whether the news item had been rightly published. Sri Yashpal Kapur was examined as a witness in the case long after the election was over and it does not appear probable that, till the date of his examination, he did not even know whether the Congress Parliamentary Board had or had not taken any decision of the nature reported in the news item (Exh. 84-A). It is also worthy of notice in this connection that on his own admission, the respondent no. 1 was at Delhi between 21st January 1971 and 26th January 1971. He was not a stranger to the respondent no. 1. He had worked for quite a long time in the respondent No. 1's secretariat and, on his own admission, the respondent no. 1 had such confidence in him that when he resigned in 1971, the respondent no. 1 insisted on his rejoining her secretariat. In the context of that association between him and the respondent no. 1, the natural course of conduct on his part was to have apprised the respondent no. 1, when he met her at Delhi during the period between 21st January and 26th January 1971, of the alleged decision of the Congress Parliamentary Board published in the 'Navjeevan' dated 15th of January 1971, and to have enquired from her whether it was true. Sri Yashpal Kapur conceded that during the period between 21st January and 26th January 1971 he met respondent no. 1 twice but did not ask her anything about it. On the contrary, he stated that the respondent no. 1 told him that leaders of several other States had asked her to contest election from their States. The witness said that even then he did not enquire from the respondent no. 1 as to what had been decided by her. Now, it is not at all probable that having come across the next item (Exh. 84 A) at Rae Bareilly and despite having met the respondent no. 1 at Delhi twice thereafter, he would neither have apprised the respondent no. 1 about the news item nor would have cared to know from her whether it was true or not.

For all the aforesaid reasons, no reliance can be placed on the statement of Sri Yashpal Kapur to conclude that the respondent no. 1 held herself out as a candidate from Rae Bareilly constituency for the first time on 1st of February 1971.

The result, therefore, is that the plea set up by the respondent no. 1 that she held herself out as a candidate for the first time on 1st of February 1971 as a candidate from Rae Bareilly Parliamentary Constituency has to be discarded.

It is then to be considered as to when did the respondent no. 1 really hold herself out as a candidate.

The expression 'candidate' has been defined in section 79(b) of the Act as follows :—

"'candidate' means a person who has been or claims to have been duly nominated as a candidate at any election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect he began to hold himself out as a prospective candidate."  
(Underlining by me)

The question as to when a person becomes a candidate within the meaning of section 79(b) of the Representation of the People Act came in for consideration in the case *S. Khader Sheriff appellant v. Munnuwami* (A.I.R. 1955 Supreme Court 775 at p. 777), and it was observed :—

"When, therefore, a question arises under section 79(b) whether a person had become a candidate by a given point of time, what has to be seen is whether at that time he had clearly and unambiguously declared his intention to stand as a candidate, so that it could be said of him that he had held himself

out as a prospective candidate. That he has merely formed an intention to stand for an election is not sufficient to make him a prospective candidate. That can only be if he communicates that intention to the outside world by declaration or conduct from which it could be inferred that he intends to stand as a candidate."

The petitioner summoned from the All India Radio the tapes (Exhs. 129 to 131) of the Press Conference addressed by the respondent no. 1 on 29th December, 1970. Sri P. Mathur (P.W. 60), Station Director, All India Radio, Lucknow, produced the tapes before this Court. He also filed the transcript (Exh. 132) of the Press Conference which he claimed to have prepared with the assistance of the tape recorded in his presence. The tape was, however, played in Court in the presence of counsel for the parties, when Sri P. Mathur was still in the witness-box, to check whether the relevant portion of the transcript (sidelined by me) tallied with the tape, and it was found to tally. Sri P. Mathur (P.W. 60) also stated in cross-examination that he identified the voice on the tape to be that of the respondent no. 1. The sidelined portion of the transcript of the tape record (Exh. 132) was read over to the respondent No. 1 when she entered the witness-box and she too admitted it to be correct. The relevant question put to the respondent no. 1 and the answer given by her in the press conference, according to the transcript, (Exh. 132) are as follows :—

"Q. A short while ago there was a meeting of the opposition leaders and there they said that the Prime Minister is changing her constituency from Rae Bareilly to Gurgaon?

P. M. : No, I am not.

It is worthy of notice that in December 1970, a Government formed by the opposition parties popularly known as S.V.D. Government, was in the saddle in U.P. It was in that context that question was put to the respondent no. 1 that the opposition leaders were saying that she would not contest election from Rae Bareilly and that she would change her constituency to Gurgaon. The answer made by the respondent no. 1 to my mind, therefore, did not mean anything except that she was not going to change her constituency and that she would contest the election from Rae Bareilly.

When the respondent no. 1 entered the witness-box and the aforesaid question and answer were put to her by her own counsel in the examination-in-chief with a view to bring on record her explanation to it, she stated that her reply did not 'necessarily' mean that she would not change her constituency and that she only meant that she would not contest from Gurgaon constituency. She was again questioned on that point in cross-examination and she then stated :

"It is wrong to assume that while giving the reply marked B in the transcript (Exh. 132) I conveyed that I was not changing my constituency from Rae Bareilly at all and emphatically held out that I would contest election again from Rae Bareilly. In my opinion there is no basis for this assumption."

I have given my very careful and dispassionate consideration to the aforesaid reply given by respondent No. 1 during her cross-examination and I regret my inability to accept it. As I have already stated earlier, the question was put to the respondent No. 1 in a particular setting, namely that the opposition Government was in power in the State of U.P. and the leaders of that Government were saying that, presumably because of their being in power in U.P., the respondent no. 1 was changing her constituency from Rae Bareilly. It was a short of challenge and was conveyed to the respondent no. 1 in the Press Conference in the same form by a question put by some press correspondent. The emphatic manner in which respondent No. 1 replied to that question, saying 'No, I am not' cannot under the circumstances be interpreted to mean anything except that she conveyed that whatever the opposition leaders were saying was not correct and that she was not changing her constituency. It also deserves consideration in this connection that at press conference mention was made only of two places viz Rae Bareilly (the original constituency) and Gurgaon (as prospective constituency). No other constituency was either named or suggested. In that context

the answer given by the respondent no. 1 could mean and convey nothing except that she was not changing her constituency and that she would contest election from Rae Bareilly. If there was a mention of some other constituency as well besides Gurgaon, there could be some substance in the explanation sought to be given by the respondent No. 1 in Court that, while saying "No, I am not", she only meant to convey that she would not change her constituency from Rae Bareilly to Gurgaon and that she could yet change her constituency to some other place.

To my mind, therefore, by making the aforesaid statement at the Press Conference on 29th December, 1970 the respondent No. 1 clearly and unambiguously indicated to the outside world her declaration to contest election from Rae Bareilly and she should therefore be deemed to have been a candidate from that very date.

It may be appropriate at this stage to dispose of some technical pleas raised by learned counsel for the respondent no. 1, before proceeding further with this point. Learned counsel for respondent No. 1 urged that the election should be in prospect when any person holds himself/herself out as a prospective candidate, so as to fall within the definition of the word 'candidate' as contained in section 79 (b) of the Act. Learned counsel then urged that the expression 'with the election in prospect' occurring in section 79(b) should be construed to mean the commencement of the election, i.e. when a writ is issued in that connection. Reference was made by learned counsel for the respondent no. 1 to several cases in this connection: The Counties of Elgin and Nairn Case (VO' M & Hp. 1); The Lichfield case (VO' M & Hp. 27); The Borough of Great Yarmouth Case (VO' M & Hp. 176); The Bodmin Division of the County of Cornwall Case (VO M & Hp. 223); The Borough of Walsall Case (IV O'M & Hp. 123) and The Berwick Upon-Tweed Division of the County of Northumberland Case (VII O'M & Hp. 1).

In the first instance, it cannot be called out from these cases that, according to rule laid down therein, the expression 'election in prospect' should be interpreted to mean that the election commences with the issue of a writ. The consensus as expressed in these cases appears to be that election commences when it is reasonably imminent. In the Counties of Elgin and Nairn Case it was observed at page 10 :—

"For some reason, good or bad, the Legislature has confined the enactment to expenses which can be attributed to the 'conduct and management of the election'; and these words, as it seems to me, at least suggest and contemplate an election which is not in nubibus is reasonably imminent."

And again on page:

"...—the period of election which was to be conducted and managed was a period not at least much anterior, I will not say to the date of nomination, but to the group or series of events which immediately precede the nomination, and which as we all know, begin in the case of a general election with the announcement of the Dissolution, and in the case of a bye-election with the announcement of the vacancy."

In the Lichfield Division of the County of Stafford Case, Baron Pollock J. posed the following question:

"The question no doubt turns on when the election may be said to have commenced.

After referring to Elgin's case, he said:

"I will not refer to the facts of it because it would only complicate the matter, but I entirely agree with Lord M' Laren when he said that what is meant by 'an election' is a definite election within the knowledge and contemplation of parties."

In the Borough of Great Yormouth Case, Justice Channell said at page 188:—

"I quite adopt the view which has been put forward by other Judges that the time when the election is supposed to commence may, for several purposes, be an important matter, and that it certainly is not limited to the commencement of the active part of the election by the occurrence of a vacancy or by the issue of the writ."

In the Bodmin Division of the County of Cornwall case Lawrence J. said at page 228:—

"In view of our findings upon other charges it becomes unnecessary to discuss this point at length, but I wish to say a few words, since, if it had been necessary to determine the point, which it is not, I should have felt bound to come to the conclusion that this election began months before the issue of the writ, and that the expenses of all these meetings ought to have been returned."

In Borough of Walsall case it was said at page 125:—

"I cannot think that the period of candidature or the period of agency is to be limited, either by the date of the issuing of the writ, or by the day of nomination; but I think that when an election is contemplated as probable in the course of a few months and it is well recognised that to secure the election of a particular candidate active steps must be taken and every exertion made at once to secure that object, it cannot be reasonably said that there can be no agency to take such steps, or to take such exertions, until the immediate approach of the election by the issuing of the writ."

In the Berwick—UPON-Tweed Case it was said on page 30:—

"Mr. Philipson was nominated candidate upon the 4th of November. It is unnecessary to decide the exact day upon which the election began, but having regard to the facts and to Mr. Philipson's own admission when he said 'On October 19th, we knew there was going to be an election' it is sufficient to decide that the election certainly began not later than October 19th, the day after the Coalition Party meeting at the Carlton Club in London."

A part from the fact that in none of the aforesaid cases it has been said that election shall be deemed to commence or be in prospect with the issue of the notification, there is also the fact that the law in this country is no precisely the same as in England. Election Tribunal Vellore, while deciding *Munnuswami Gounder vs. Khader Sheriff and others* (4 E.L.R. 283 at p. 292), said:—

"In this respect the law in this country makes a significant departure and that departure, in our opinion, again emphasises the application of a vital democratic principle, in the light of differing conditions. We may here note, briefly, a feature of the political practice in the United Kingdom, which repeatedly colours and influences the English Cases, viz., the fact that there a person is often adopted as a candidate by a political association, without any move on his behalf, until a particular stage when the adoption is formalised by his consent."

Be it as it may, in the case before us, the election became in prospect immediately after the dissolution of the Lok Sabha on 27th December 1970. I do not think this view is inconsistent either with the observations made in any of the English decisions cited by learned counsel for the respondent no. 1 or any of the Indian decisions. In the case *Krishna Kant v. Bannali* (A.I.R. 1968 Orissa 200) a declaration was made by the Home Minister, Government of India on 10th of December, 1965 postponing general election of Orissa Legislative Assembly till the general elections to be held early in 1967. On 20th December, 1965 the Election Commission communicated the aforesaid decision of the Government of India to the Chief Electoral Officer, Orissa. The life of the Orissa Assembly was thereafter extended till 1st of March, 1967. It was observed that the

election was in prospect by 18th of June 1967, that is long before the extended term of the Assembly came to an end.

The contention raised by learned counsel for the respondent that the election was not in prospect when the respondent no. 1 made the earlier mentioned statement in her press conference on 29th December 1970 cannot therefore be accepted. As stated earlier the statement made by the respondent no. 1 at her press conference on 29th December, 1970 by itself constitutes sufficient proof of the fact that she held herself out as a candidate from Rae Bareilly constituency with effect from that date.

It will, however, not be futile to refer to a few more circumstances which fortify this conclusion.

In order to find what did the respondent No. 1 convey by making the aforesaid statement, it will be of some relevance to know as to how that statement was commonly understood. Exh. A-17 is the issue of the 'National Herald' dated 30th December, 1970. The news item relating to the press conference addressed by the respondent no. 1 on 29th December, 1970 was published in this newspaper with Head line "Prime Minister not changing her constituency". Further on the news item contains the synopsis of the question put to the respondent no. 1 and the reply given by her Exh. 81 is the issue of the 'Statesman' dated December 30, 1970. The Headlined news item in this news paper is "No Change in Constituency". Further on the news item said:—

"The Prime Minister denied at the outset whether she intended to contest the coming election for the Lok Sabha from Gurgaon and not Rae Bareilly".

Exh. 85 is the issue of the 'Indian Express' dated 30th December, 1970. The head-line of the news item in this news paper was:—

"Rae Bareilly is constituency."

Exh. 92 is the issue of the 'Hindustan Times' dated December 13, 1970. The headline of this newspaper also was:—

"No shifting of seat".

Thereafter the relevant portion of the news item reads as follows:—

"The Prime Minister denied that she was thinking of shifting her constituency from Rae Bareilly to Gurgaon.

"No, I am not", she said when correspondent asked whether it was true as some opposition leaders were saying that she contemplated a change in her present constituency."

It will thus appear that almost every important newspaper in the country understood the statement made by the respondent No. 1 at her press conference to mean that she was not changing her constituency. It may also not be out of place to add that no contradiction to any of the aforesaid news items was issued either from the secretariat of the Prime Minister or from the A.I.C.C.

There is then the evidence of S. Nijalingappa (P.W.14), Sri Arjun Singh Bhadoria (P.W.15), Sri S. P. Lalaviya (P. W. 36), Sri Kapoori Thakur (P. W. 37), Ram Saran Das (P. W. 38), Sri Banarsi Das (P. W. 40) and Sri L. K. Advani (P. W. 44). Though they belong to opposition parties, the fact remains that all of them are public workers of some reputation. Each one of them stated on oath that the statement made by the respondent no. 1 at the press conference on 29th December 1970 was construed by them to mean that the respondent no. 1 was not changing her constituency.

Yet another thing which is worthy of notice is that right after the press conference, held by the respondent no. 1 on 29th December 1970, important leaders of the Congress (R) started pouring into the constituency. Ram Kumar Singh (P. W. 42) stated that Raja Dinesh Singh then a Minister in the Central Government, visited Rae Bareilly on 5th of

January 1971. The fact that Raja Dinesh Singh did visit Rae Bareilly on 5th January 1971, as deposed by Ram Kumar Singh, was not denied on behalf of respondent no. 1, as would appear from the following question put to Ram Kumar Singh in cross-examination:—

Q. I suggest to you that Raja Dinesh Singh was only investigating the possibility whether the respondent no. 1 should or should not fight election."

On 7th January 1971 Sri Gulzari Lal Nanda and Sri Yashpal Kapur came to Rae Bareilly, a fact which is admitted to the respondent no. 1. On 17th of January 1971 Sri Chandra Shekhar, another important leader of Congress (R), visited Rae Bareilly, as deposed by Ram Kumar Singh (P. W. 42). It is worthy of notice that it was not suggested to Ram Kumar Singh in his cross-examination that Chandra Shekhar did not visit Rae Bareilly and that he was making a wrong statement in that connection. On the contrary, the suggestion made to him was that it was wrong that Sri Chandra Shekhar in his speech said anything about the candidature of respondent no. 1. Ram Kumar Singh denied that suggestion. It was then suggested to him that Chandra Shekhar had only stated that Congress (R) as a party should be successful in the election. It should, therefore, be accepted that Chandra Shekhar also visited Rae Bareilly on 17th January 1971. On 18th and 19th January 1971 Professor Sher Singh, another Minister of the Government of India, visited Rae Bareilly. It cannot be accepted that all these leaders of Congress (R) were visiting Rae Bareilly for nothing. To my mind that circumstance, together with the other circumstances already mentioned earlier, is also a pointer to the conclusion that the respondent no. 1 had held herself out as a candidate from Rae Bareilly constituency on 29th December 1971 and the leaders of the Congress (R) were visiting Rae Bareilly as part of the election campaign of the respondent no. 1.

Learned counsel for the petitioner also urged that the fact that the petitioner was set up as a candidate to contest election against the respondent no. 1 in the early part of January 1971; and the fact that the respondent no. 1 while delivering a speech at Coimbatore criticised Raj Narain and said that the candidature of Raj Narain had been sponsored for mud-slinging against her, also lend support to the fact that the respondent no. 1 had declared herself as a candidate on 29th of January 1971. In regard to the first circumstance, learned counsel referred me inter alia to the evidence of Ram Saran Das (P. W. 38), Sri Karpoori Thakur (P. W. 37) and Banarsi Das (P. W. 40). Ram Saran Das said that he issued a statement on 20th of January 1971 that the petitioner shall contest election to the parliament from Rae Bareilly. He filed the issue of the 'Pioneer' dated 11th January 1971 (Exh. 78) and the issue of the 'National Herald' of the same date (Exh. 80) in which that statement was published. Sri Banarsi Das (P. W. 40) said that the leaders of the opposition met at the residence of Sri C. B. Gupta at Lucknow in 1st or 2nd week of January 1971, and a decision was then taken to set up the petitioner as a candidate against the respondent no. 1. Sri Karpoori Thakur (P. W. 37) deposed that in 1970-71 he was Chairman of All India Samyukta Socialist Party. He further said that on 18th of January 1970, in a meeting attended by several parties, he gave his concurrence to the decision that the petitioner may contest election from Rae Bareilly against the respondent no. 1. In regard to the second circumstance, learned counsel referred me to the issue of the 'National Herald' dated 20th January 1971 (Exh. 82). This newspaper was put to the respondent no. 1 during her cross-examination and she admitted that she could have said all the things mentioned in this news item. The news item (Exh. 82) in the 'National Herald' dated January 20, 1971 was thus proved. Learned counsel stressed that unless the petitioner had held herself out as a candidate from Rae Bareilly constituency there was hardly any occasion for her to have said at Coimbatore (as reported in Exh. 82) that the candidature of Raj Narain from Rae Bareilly had been sponsored by the front parties for maximum mud-slinging against her. The least that can be said on the basis of the two circumstances is that the respondent no. 1 held herself out as a candidate sometime before 10th January 1971, otherwise there was no occasion for Ram Saran Das having issued a statement that the petitioner shall contest election from Rae Bareilly against the respondent, and for the respondent no. 1 having said at Coimbatore that Raj Narain had been chosen as a candidate from Rae Bareilly for mud-slinging against her.

Therefore, without dilating any further, I conclude that it has been proved beyond doubt that the respondent no. 1 held herself out as a candidate from Rae Bareilly Parliamentary constituency on 29th December 1970. Issue no. 2 of the additional issues is answered accordingly.

#### ISSUE NO. 3 OF ADDITIONAL ISSUES :

In para 5 of the petition it is alleged that Sri Yashpal Kapur was a Gazetted Officer in the Government of India holding the post of an Officer on Special Duty that the respondent no. 1 obtained/procured the assistance of Sri Yashpal Kapur for the furtherance of her election prospects and that Sri Yashpal Kapur organised the election work of the respondent no. 1 in her constituency during the entire period commencing from 27th December 1970 till the declaration of the result.

In para 5 of the written statement the respondent no. 1 admitted that Sri Yashpal Kapur was a Gazetted Officer in the Government of India holding the post of Officer on Special Duty in the Prime Minister's Secretariat. She, however, pleaded that the said Sri Yashpal Kapur submitted his resignation from the aforesaid post by a letter dated 13th January 1971, that the President was pleased to accept his resignation with effect from 14th January 1971, and that Sri Yashpal Kapur ceased to be in the service of the Government of India from that date. Respondent no. 1 denied that she procured or obtained the assistance of Sri Yashpal Kapur for the furtherance of her election prospects while he was in the service of the Government of India.

In para 2(a) of the Additional Written Statement the respondent no. 1 further pleaded that Sri P. N. Haksar, the then Secretary to the Prime Minister, who had the authority to relieve Sri Yashpal Kapur, informed him on 13th January, 1971, on receipt of the resignation, that the resignation was accepted and that formal orders will issue in due course. According to the plea set up in the Additional Written Statement, the services of Sri Yashpal Kapur stood terminated as a result of his resignation with effect from time and date mentioned in the letter of resignation and that the subsequent notification issued in the name of the President of India was a mere formality.

In view of the aforesaid pleadings, the question formulated for consideration is whether Sri Yashpal Kapur continued to be in the service of the Government of India after 14th of January 1971, and if so, till what date.

Sri Yashpal Kapur (R. W. 32) made a statement on oath that, after having a talk with the respondent no. 1, he submitted his letter of resignation to Sri P. N. Haksar on 13th of January 1971. The respondent no. 1 (R. W. 37) also deposed that in the second week of January 1971 Sri Yashpal Kapur one day expressed a desire to resign from his post and she then asked him to consider over the matter again. She said that on 13th of January 1971 Sri Yashpal Kapur again visited her and said that he had reconsidered the matter and was clear in his mind that he must resign from the post to which she agreed. She then asked Sri Yashpal Kapur to go to Sri P. N. Haksar in order to complete the formalities. Sri P. N. Haksar (R. W. 1) deposed that on 13th of January 1971 Sri Yashpal Kapur telephoned to him near about 10 or 11 a.m. that he wanted to resign from his post and he then directed Sri Yashpal Kapur to send his letter of resignation in writing to him and also to meet him. Sri Haksar further said that within an hour Sri Yashpal Kapur came to his office with a letter of resignation duly signed by him and submitted the same. Learned counsel for the petitioner urged that no document has been produced by the respondent no. 1, in which the resignation letter submitted by Sri Yashpal Kapur may have been entered, to show that it was actually presented on 13th of January 1971. On this basis learned counsel urged that it should not be accepted that the resignation letter was actually presented on 13th of January 1971. According to him, the resignation was presumably prepared and submitted at some later stage and was antedated in order to make it appear that it was presented on 13th January 1971. I do not think that, merely for the reason that no register etc. has been brought on record to indicate that the resignation letter was presented by Sri Yashpal Kapur on 13th January 1971, the statement on oath made by the respondent no. 1 (R. W. 37), the statement of Sri Yashpal Kapur (R. W. 32) and the statement of Sri P. N. Haksar (R. W. 1) can be discarded as untrue. Learned counsel for the petitioner could not point out any



infirmary in the evidence of the aforesaid witnesses, so far as it relates to the presentation of the resignation letter on 13th of January 1971. Therefore, relying on the evidence of the respondent no. 1 (R. W. 37), Sri Yashpal Kapur (R. W. 32) and Sri P. N. Haksar, I accept that Sri Yashpal Kapur had submitted his letter of resignation in the office of Sri P. N. Haksar on 13th of January 1971.

The question, however, is when did the resignation submitted by Sri Yashpal Kapur take effect.

The fact that Sri Yashpal Kapur was a Gazetted Officer in the Government of India holding the post of Officer on Special Duty in the Secretariat of the respondent no. 1 is conceded in the written statement filed by respondent no. 1. Sri N. K. Sesban (P. W. 53), Private Secretary to the Prime Minister, also stated that the designation of Sri Yashpal Kapur, before he tendered his resignation, was 'Officer on Special Duty' and that it was a Gazetted post equivalent in rank to that of an Under Secretary drawing the maximum pay. It was admitted before me on both hands that the Central Civil Services (Temporary Service) Rules, 1949 were applicable to him. Rule 5 of the said Rules, in so far as it is relevant for our purposes, reads as follows :—

"5(a). The service of a temporary government servant who is not in quasi-permanent service shall be liable to termination at any time by notice in writing given either by the government servant to the appointing authority, or by the appointing authority to the government servant.

(b) The period of such notice shall be one month, unless otherwise agreed to by the Government and by the government servant:

Provided that the service of any such government servant may be terminated forthwith by payment to him of a sum equivalent to the amount of his pay plus allowances for the period of the notice or as the case may be, for the period by which such notice falls short of one month or any agreed longer period."

Sri S. K. Krishnan (R. W. 5), Director, Department of Personnel Administrative Reforms, filed O. M. dated 6th May 1958 (Exh. A-25) containing instructions regarding resignations and acceptance thereof. It is inter alia stated therein that a resignation becomes effective when it is accepted and the officer is relieved of his duties. It further states that 'where a resignation has not become effective and the officer wishes to withdraw it, it is open to the authority, which accepted the resignation, to accept or to refuse the request for such withdrawal.'

In view of the fact that Sri Yashpal Kapur held a Gazetted post in the Government of India; and further in view of the Central Civil Services (Temporary Service) Rules, 1949, and the instructions (Exh. A-25), it is apparent that Sri Yashpal Kapur could not cease to be a Government servant unless an order had been passed accepting the letter of resignation submitted by him. So far as the statement of the respondent no. 1 (R. W. 37) is concerned, she only deposed that after Sri Yashpal Kapur had expressed a desire to her that he wanted to resign from his post, she directed him to go to Sri P. N. Haksar to complete the formalities. No doubt, she also stated that Sri P. N. Haksar later told her that the resignation of Sri Yashpal Kapur had been accepted. That is, however, evidence in the nature of hearsay which should not be attached much importance. Sri Yashpal Kapur (R. W. 32) did not state that any order was passed in his presence accepting his letter of resignation. The evidence of Sri P. N. Haksar on this point is rather interesting. In the examination-in-chief he stated that when Sri Yashpal Kapur met him in his office on 13th of January 1971 and submitted his resignation, he said to Sri Yashpal Kapur that he was a free man straightaway and that his resignation was accepted. He was then questioned in cross-examination whether it is permissible to appoint a government servant by word of mouth and to dispense with his services by word of mouth, and to that he replied:

"I am not aware of any rule under which it is permissible to make appointments by word of mouth. In my opinion, the services of a temporary Govern-

ment servant can also be terminated by word of mouth, to be later followed by an order in writing."

It was then put to him whether it was the practice prevalent in the offices of the Government of India and he replied :—

"I have held charge of large and important offices both inside the country and abroad and this is the practice I have followed and that practice has never been questioned so far."

The aforesaid statement made by Sri P. N. Haksar is not at all understandable to me. Appointment of persons in Government offices, more so to Gazetted posts, as well as termination of their services, is now governed by statutory rules, and the appointing authorities have to act under those rules in order to appoint a government servant and in order to dispense with the services of a Government servant. It is the implied mandate of the rules that there should be an order in writing terminating his services. In the absence of any rules, appointing and removing of government servant by word of mouth cannot be imagined. Needless to say that Sri Haksar expressed his inability to mention any rule under which it was permissible to appoint people and to remove them by word of mouth. The statement appears to have been made only to fortify the plea set up by the respondent no. 1 in the additional written statement regarding oral acceptance of the letter of resignation. It will not be out of place to mention in that connection that the respondent no. 1 filed her written statement on or about 2nd August 1971 (the written statement was verified on 2nd August 1971). The additional written statement was filed on or about 27th August 1972 (it was verified on that day). The plea of oral acceptance of resignation was not set up in the original written statement. It was for the first time set up in the additional written statement which was filed after a lapse of one from the date on which the original statement was filed. The plea, therefore, appears to be an afterthought.

Since Sri P. N. Haksar stated that verbal orders had to be allowed by orders in writing, he was questioned whether any order in writing had been passed on the letter of resignation submitted by Sri Yashpal Kapur on 13th January 1971 and he said that he was not aware of it. He was then questioned whether he ever sent for the letter of resignation in order to see if any order in writing had been passed there on or not, and to that he also replied that he did not remember. The point was pressed further in cross-examination as would appear from the following question and answer:—

"Q. You said that a verbal order is always followed by an order in writing. You were the appointing authority of the O.S.D. Did you at any stage, as Secretary and appointing authority of the O.S.D., make sure after 13th of January 1971 that an order in writing had been passed in confirmation of the order that had been passed by you verbally?

A. I do not recollect at the moment whether the letter of resignation was at any stage recalled by me to make sure whether any order in writing had been passed."

Further on Sri P. N. Haksar said :

"I must have passed some order in writing on the letter of resignation of Sri Yashpal Kapur, but I do not today remember as a matter of fact whether I did or did not pass the order." (underlining by me.)

The aforesaid statement made by Sri P. N. Haksar speaks for itself and hardly calls for any comment. Needless to say that it cannot be held for any moment on the basis of the statement made by Sri P. N. Haksar that any order in writing was passed on the letter of resignation of Sri Yashpal Kapur till the date on which an order accepting the resignation was sent for being notified in the Gazette. In other words, the only order on record which can be said to have been passed in the letter of resignation of Sri Yashpal Kapur is that which is contained in the notification (Exh. A-8) dated 25th of January 1971. The letter of resignation of Sri Yashpal Kapur was in the custody of the respondent no. 1, and Sri P. N. Haksar was the best person to know

If any order accepting the resignation had been passed prior to 25th of January 1971. Since no evidence, oral or documentary, has been brought on record in order to show that any order in writing had been passed on the letter of resignation of Sri Yashpal Kapur prior to 25th of January 1971, it should be held that an order was passed on the letter of resignation only on 25th of January 1971 accepting the same.

It is true that, according to the Gazette notification (Exh. A-8), the resignation of Sri Yashpal Kapur had been accepted with effect from 14th January 1971. It cannot, however, be ignored that the order accepting the resignation was passed on 25th of January 1971. Till that order was passed the status of Sri Yashpal Kapur continued to remain that of a Government servant despite the fact that when that order was passed it was given retrospective effect so as to be valid from 14th of January 1971.

The question as to when does a resignation take effect has come in for consideration in quite a few cases. In case *Ram Murti v. Sumba Sardar & others* (2 Election Law Reports 331) one of the respondents was a teacher in a school and therefore held an office of profit. He tendered an unqualified resignation of his office on 19th of October 1951. He was intimated that he could not be relieved until a substitute was available. He then applied for one month's leave on medical certificate on 6th November 1951 and ceased to work. On 10th November 1951 he filed his nomination paper. His resignation was accepted on 14th January 1952. It was held that the respondent did not cease to hold his office by tendering his resignation or by ceasing to work and was unqualified to stand for election on 10th of November 1951. The following observation contained in that case at page 336 appears to be material:

"The point material for consideration now is if the submission of resignation by the respondent even without its acceptance by the authorities tantamounts to cessation of service. Article 310 of the Indian Constitution is that except as expressly provided by the Constitution, every person who is a member of a civil service of a State or holds any civil post under a State holds office during the pleasure of the Governor. If a person is to hold office during the pleasure of the Governor or the Union as the case may be it is impossible to think that the person holding the office shall hold it at his pleasure. The respondent no. 1 as the holder of a post under the State was therefore not free to cease the service at his pleasure so long as he held the post under the State."

In case *Bahori Lal Paliwal v. District Magistrate, Bulandshahr* (A.I.R. 1956; 511 F. B.) the same question arose for consideration qua the Chairman, Town Area Committee and it was observed:—

"In certain cases a resignation may be effective as soon as it is delivered to the proper authority. In other cases it may not be effective till it is accepted by that authority. In voluntarily organisations like Clubs a person is free to be a member and, unless the contrary is laid down in the rules of the association, he is free to resign at any time he likes."

Thereafter reference was made to Halsbury's Laws of England, Simond's Edition, Vol. V 61 and the Court proceeded to say:—

"But in corporation created by Statute for the discharge of public functions a member may not have an absolute right to resign at will, because the law may cast a duty upon the person elected to a public office to act in that office in the public interest."

The Court cited with approval the following observation from the decision of the Supreme Court of the United States in *Edwards M. Edwards v. United States* (1880) 26 L.E. 314(C):—

"In England a person elected to the Municipal office was obliged to accept it and perform its duties and subject himself to a penalty by refusal. An office was regarded as a burden which the appointee was bound, in the interest of the community and good

Government, to bear. And from this it followed of course that, after an office was conferred and assumed, it could not be laid down without the consent of the appointing power.

This was required in order that the public interests might suffer no inconvenience for the want of public servants to execute the laws.... To complete a resignation it is necessary that the corporation manifest their acceptance of the offer to resign, which may be done by an entry in the public books, or electing another person to fill the place, treating it as vacant."

It was held in the case that since the Chairman had withdrawn the resignation before its acceptance by the District Magistrate, there was no right left in the District Magistrate to accept the resignation even though it was unconditional.

In the case *Raj Kumar v. Union of India* (A.I.R. 1969 Supreme Court 180) it was observed:—

"Termination of an employment by order passed by the Government does not become effective until the order is intimated to the employee. But where a public servant has invited by his letter of resignation determination of his employment, his services normally stand terminated from the date on which the letter of resignation is accepted by the appropriate authority and, in the absence of any law or rule governing the conditions of his service to the contrary, it will not be open to the public servant to withdraw his resignation after it is accepted by the appropriate authority. Till the resignation is accepted by the appropriate authority in consonance with the rules governing the acceptance, the public servant concerned has *locus paenitentiae* but not thereafter."

The view expressed by the Supreme Court in the aforesaid case *Raj Kumar v. Union of India* was reiterated when the present case went up before the Supreme Court (*Raj Narain v. Smt. Indira Nehru Gandhi* : A.I.R. 1972 Supreme Court 1302).

On the basis of the declaration of law in the aforesaid decisions it can be said that Sri Yashpal Kapur continued to remain in the service of the Government of India till 25th of January, 1971, on which date the order accepting his resignation was passed. According to the dicta laid down in those cases, till 25th of January 1971 Sri Yashpal Kapur could even ask for the withdrawal of his resignation. The fact that by the order dated 25th of January 1971 the order accepting resignation was given effect from 14th of January, 1971 cannot lead to the conclusion that Sri Yashpal Kapur ceased to be a Government servant with effect from 14th of January 1971.

Learned counsel for the respondent no. 1 then referred me to the part of the statement made by the respondent no. 1 (R.W. 37) wherein she stated that on 13th January 1971 Sri Yashpal Kapur visited her and said that he had reconsidered the matter and was clear in his mind that he must resign, whereupon the respondent no. 1 said to Sri Yashpal Kapur that he should go to Sri P. N. Haksar to complete the formalities. Learned counsel urged that this virtually amounts to tendering of resignation by Sri Yashpal Kapur orally to respondent no. 1. Learned counsel referred me to the meaning of the expressions 'Mode of resignation' and 'Mode of acceptance' from *Corpus Juris Secundum* in order to contend that a resignation can be tendered orally and can be accepted orally. I do not think the argument carries any force. While defining 'Mode of resignation' it is also mentioned in the *Corpus Juris Secundum*:—

"Where no particular mode of resigning an office is provided by constitutional or statutory requirements, no formal method is necessary; it may be by parole or it may be implied. A mode of resignation prescribed by statute generally is exclusive." (Underlining is by me).

Similarly while defining the expression 'Mode of acceptance' it is also mentioned in the *Corpus Juris Secundum*:—



"Where no particular mode of accepting a resignation is provided by constitution or statute, no formal mode of acceptance is necessary, and it may be by parole, or it may be shown by performance of an official act which could not be legally performed unless the resignation was accepted." (Underlining is by me).

I have already pointed out earlier that in the matter of resignation and termination of service, the parties viz. the Government of India and Sri Yashpal Kapur were governed by the Central Civil Services (Temporary Service) Rules, 1949, which were statutory rules. It cannot, therefore, be accepted on the basis of the meaning assigned to the aforesaid expressions in *Corpus juris secundum* that the resignation could be tendered by Sri Yashpal Kapur orally or could be accepted orally.

Learned counsel then urged that in any case a resignation, in order to be effective, does not call for a formal order of acceptance and that it becomes effective as soon as it is tendered. In support of this contention, learned counsel referred me to Articles 56, 67, 90(b), 101(3)(b), 124(2) Cl. (a) of the proviso, 156, 190(3), 217(1)(a) and 316 cl. (a) of the proviso. I have looked into all these Articles. Option has been given to the persons mentioned in these Articles, to resign from their seat or office by writing under their hand addressed to the relevant authority. Thus, by letter of law, the matter of resignation in regard to the persons specified in the aforesaid Articles of the Constitution has been made an unilateral act. These Articles could have no application to Sri Yashpal Kapur, who was governed by separate set of rules, already mentioned above.

Learned counsel for the respondent no. 1 then referred me to a few English cases in support of his contention that resignation, in order to be effective, begs no formal order for its acceptance. The cases are :—

- (a) In the Matter of the Gloucester, Aberystwith and South Wales Railway Company and of the Joint Stock Companies Winding-up Acts Mainlands' Case (English Reports 43 Chancery 708);
- (b) Latchford Premier Cinema, Limited v. Ennlon (Chancery Division, Vol. 2 1931);
- (c) Morris v. Baron and Company (1918 A.C. 1);
- (d) Attorney-General for New South Wales v. Perpetual Trustee Co. (Ltd.) and others (1955 1 All England Law Reports 846); and
- (e) Glossop v. Glossop (1907 Vol. 2, Chancery Division).

Learned counsel also referred to the Queen's Bench decision in the case :—

Inland Revenue Commissioners vs. Hambrook [1956(1)

All England Law Reports 807].

as also to the decision of the Court of Appeal in the same case reported in 1956 (3) All England Law Reports 338.

All these cases are clearly distinguishable. Maitlands' case relates to the resignation by the director of a company. It does not relate to the resignation by a public servant. It does not appear from the report of the case that the Articles of Association of the Company prescribed any mode for tendering a resignation or accepting it. In the case Latchford Premier Cinema Ltd. v. Ennlon again the matter did not relate to the resignation of a public servant but resignation by director of a company. The resignation having been tendered and accepted at the annual general meeting, it was said that it was case of mutual agreement. Morris v. Baron and Company case relates to a contract of sale of goods and not to any resignation whatsoever. In the case Glossop v. Glossop again the matter in issue was the resignation of a director of a limited liability company. On the basis of the Articles of Association of the Company it was held that the resignation became effective as soon as it was tendered. The remaining three cases only deal with the relations between the Crown and its servants.

It cannot, therefore, be accepted on the basis of anything said in the aforesaid cases that the resignation tendered by Sri Yashpal Kapur, who was governed by statutory rules, became effective immediately after it was tendered.

Learned counsel for the respondent no. 1 then referred me to Rodgers on Election, 20th Edition, Vol. 2, page 21, mentioning the cases of Abrobrothock and Lanarkshire, in order to support his argument. The first case is of the year 1748 and the other of the year 1774 and they relate to Scotland. It will thus appear that these cases are two centuries old. We do not know what were the rules governing the matter of resignation in Scotland during that time. That apart, both these cases have been considered and distinguished in the case Sudarsana Rao v. Christian Pillai and others (A.I.R. 1924 Madras 306), and again in the case Ram Murti v. Sumba Sadar and others (2 E.L.R. 331 at p. 337). No reliance can consequently be placed on the aforesaid two cases mentioned in the Book 'Rodgers on Election'.

Coming to the Indian decisions, learned counsel for the respondent no. 1 first referred me to the case P. R. N. Abdul Haq v. Catpadi Industries Limited (A.I.R. 1960 Madras 482). This case again relates to the director of a company. It does not appear that there was anything in the Articles of Association of the Company relevant to the subject. Therefore, relying on the English cases, it was held that a director, who has resigned, will be deemed to have resigned from the date of his resignation. This case can have no application to the case before me.

Learned counsel next referred me to the case A. H. Rangrez v. M. N. Koul & others (40 Election Law Reports 130). In this case an orderly-peon of Public Health Engineering Department tendered resignation on 3rd August, 1966. It kept moving between a couple of offices and was accepted on 27th of February 1967 with effect from 3rd August, 1966. The orderly-peon had filed his nomination paper some time before 23rd January, 1967. The scrutiny of the nomination papers took place on 23rd January, 1967. The question arose whether the petitioner, namely the orderly-peon held any office of profit on the date of scrutiny of the nomination papers and was disqualified to be chosen. It was held that since the resignation had been accepted with effect from a date prior to the date of scrutiny it could not be held that the petitioner held any office of profit on that date. There are two things worthy of notice about this case. In the first instance, we do not know what were the rules governing the service conditions of orderly-peons in Jammu & Kashmir (to which place this case relates). Further, there is no discussion in the case on the point as to what was the status of the petitioner between the date on which the resignation was tendered and the date on which the order accepting the resignation was passed. In the present case (Raj Narain v. Smt. Indira Nehru Gandhi) also similar situation had arisen earlier when the case went up before the Supreme Court and the Supreme Court observed (Raj Narain v. Smt. Indira Nehru Gandhi : A.I.R. 1972 S.C. 1302 at p. 1308):—

"Yashpal Kapur appears to have tendered his resignation to the office he was holding on January 13, 1971. The certified copy of the notification produced shows that the President accepted his resignation on the 25th of January, 1971 and the same was Gazetted on February 6, 1971. The order of the President shows that he accepted Yashpal Kapur's resignation with effect from January 14, 1971. The learned Trial Judge without examining the true effect of the President's order has abruptly come to the conclusion that Yashpal Kapur's resignation became effective as from January 14, 1971. This conclusion, in our opinion, requires re-examination."

As already stated, there is no detailed examination of that point in the case A. H. Rangrez v. M. N. Kaul and others. It is, therefore, difficult for me to hold on the basis of the aforesaid decision that the resignation of Yashpal Kapur took effect on 14th of January 1971, merely because the order dated 25th of January 1971, by which the resignation was accepted, has been made effective from that date.

Learned counsel then referred me to the case V. P. Gindroniya v. State of Madhya Pradesh and another (A.I.R. 1970 Supreme Court 1494). In this case the appellant gave a notice to the Government on June 6, 1964 terminating his service. The Government, however, issued him a show-cause notice for departmental inquiry. A question arose

whether the appellant continued to remain in service after June 6, 1964. The rules governing the service of the appellant in that case were akin to the Central Civil Services (Temporary Service) Rules. Rule 12 of those rules corresponded to rule 5 of the Central Civil Services (Temporary Service) Rules. After taking those rules into consideration, the Court observed :—

"There is hardly any room for dispute that the notice contemplated by the main clause (a) of rule 12 can be given either by the Government or its temporary servant. The rule in question specifically says so. It is not necessary for us in the present case to decide whether the two provisos to that rule or clause (b) thereof apply to a notice given by a Government servant. The appellant has assumed that those provisions also apply to a notice given under that rule. We shall for the purposes of this case proceed on the basis of that assumption and see whether the appellant has satisfied that part of the rule also."

Thereafter, accepting that the appellant had satisfied that part of the rule, the Court held that the appellant was not in service after he had tendered his resignation on June 6, 1964.

From the above it will appear that the case *V. P. Gindroniya v. State of Madhya Pradesh & another* (supra) is distinguishable from the case *Raj Kumar v. Union of India* (supra), inasmuch as in the former case the Court proceeded on the assumption that under the rules the Government servant had a right to terminate his services forthwith by submitting his resignation and by tendering one month's pay in lieu of the period of notice. On the language contained in rule 5 of the Central Civil Services (Temporary Service) Rules, 1949, it does not appear that a Government servant also has the right to terminate his services forthwith by a notice in writing, also tendering therewith one month's pay and the allowances. That apart, it is not the respondent no. 1's plea in this case that, while tendering his resignation, Sri Yashpal Kapur also tendered or offered to tender one month's pay or emoluments. This case is also therefore of no help to the respondent.

Reference has also been made by learned counsel for respondent no. 1 to an unreported decision of the High Court of Punjab & Haryana, dated April 29, 1975 in Civil Writ No. 2083 of 1975 : *Smt. Satwant Kaur v. State of Punjab and others*. I have carefully gone through this decision and I find that instead of supporting the contention raised by learned counsel for the respondent, it contradicts it. In this case the petitioner was a teacher in the Education Department of the State of Punjab and was on deputation in the Union territory of Chandigarh with effect from November 1, 1966. On 22nd April, 1975 the petitioner submitted her resignation along with one month's salary as she wanted to contest election to the legislative assembly of the State. The last date for filing nomination paper was April 30, 1975. Since the acceptance of the petitioner's resignation was being delayed she filed a writ petition asking for a writ of mandamus directing the respondents to accept the resignation and further to declare that the petitioner was no longer in the service of the State of Punjab or the Union territory with effect from the date of her resignation. It was observed :—

"Right to enter into a contract implies a right to get out of it. The petitioner while accepting service in the State of Punjab had obviously entered into a contract of service. Such a contract can be terminated by making an offer to the appointing authority which is to be accepted by it within a reasonable time. What is a reasonable time for the acceptance of an offer of this type depends upon the circumstances of each case. In a situation like this when a public servant tenders resignation in order to contest an election, the resignation tendered by him should be accepted as early as possible and under all circumstances prior to the date on which the nomination papers can be filed for the last time."

With the above observation the Court directed the respondents "to accept the resignation of the petitioner from the post of teacher held by her by today".

From the above it will appear that the Court considered the acceptance of the resignation to be essential for the termination of the service of the petitioner. Otherwise the Court could very well declare that, since the resignation had been tendered on 22nd April, 1975 along with one month's salary, it became effective that very day and the petitioner ceased to be in the employ of the Government from that day. Needless to say that a declaration to that effect had actually been asked for by the petitioner in the writ petition and yet it was not granted. Instead the Court directed the respondents to accept the resignation. Therefore, as already stated, this argument more supports the stand taken by the petitioner than the contention raised on behalf of the respondents.

Learned counsel for the respondent lastly urged that, according to the evidence on record, Sri Yashpal Kapur had ceased to work with effect from the afternoon of 13th of January 1971 and had also submitted a charge report on the same date, though it was dated as 14th January, 1971. On this basis learned counsel urged that Sri Yashpal Kapur was relieved of his work and consequently it should be held that his resignation became effective from 14th of January 1971.

Now so far as the cessation of the work is concerned, I do not think that by itself it can bring about termination of employment, for, such cessation of work and absence from duty can always be regularised later by applying for leave with or without pay. As for the charge report, it may be mentioned that neither the charge report nor any copy thereof has been got exhibited in the case. The respondent no doubt examined Sri K. P. Sood (R.W. 8), Section Officer of the Office of the Accountant General (Central Revenues), New Delhi, to prove that Sri Yashpal Kapur was paid his salary only for the period ending on 13th of January 1971. Sri Sood, however, conceded in cross-examination that the salary for the period ending on 13th January, 1971 was passed for payment as late as 28th August, 1972. The evidence of Sri K. P. Sood cannot, therefore, be proof of the fact that a charge report had actually been submitted by Sri Yashpal Kapur on 13th of January 1971. But assuming that a charge report had been submitted by Sri Yashpal Kapur when he submitted his resignation on 13th January, 1971, I do not think mere submission of a charge report along with the letter of resignation, in anticipation of the resignation being accepted by the appointing authority, can bring about the termination of the service, regardless of the fact whether the resignation is accepted or not. This argument also therefore fails to convince me.

No other argument having been raised, my finding on Issue No. 3 of the additional issues is that Sri Yashpal Kapur continued to be in the service of the Government of India till 25th of January 1971.

ISSUE NO. 1 (first set)

and

ISSUE NO. 1 (of the additional issues).

Both these issues are repetition of each other word for word and are therefore being taken up at one place. The question for consideration under this issue is :—

Whether respondent no. 1 obtained and procured the assistance of Sri Yashpal Kapur in furtherance of the prospects of her election while he was still a Gazetted Officer in the service of the Government of India.

Learned counsel for both the parties argued the matter by splitting the entire period from 29th of December 1971 onwards into three sub-periods, viz—

(1) the period ending on 13th January, 1971;

(2) the period from 14th to 25th January, 1971;

and

(3) the period from 26th January to 6th February, 1971. I would consider the evidence and the arguments advanced on either side in the same arrangement.

1. Period ending on 7-1-1971.

The petitioner's case is that the respondent no. 1 had held herself out as a candidate from Rae Bareilly parliamentary constituency on 29th of December 1970, when she held the press conference at Delhi, and that Sri Yashpal Kapur (R.W. 32) started doing election work for her with effect from the same date. It is further the petitioner's case that on 7th of January 1971 Sri Yashpal Kapur accompanied Sri Gulzari Lal Nanda to Rae Bareilly where they first held a meeting with public representatives at Rae Bareilly and then delivered speeches in the Shaheed Mela held in Munshiganj, seeking support for the candidature of respondent. 1.

The respondent no. 1 denied that she held herself out as a candidate on any date prior to 1st of February 1971. According to her, it was for the first time on 1st of February 1971 at Rae Bareilly that she held herself out as a candidate from that constituency. It has also been denied by the respondent no. 1 that Sri Yashpal Kapur did any electioneering work for her till that date.

Now, while recording my finding on Addl. Issue no. 2 I have already discarded the respondent no. 1's plea that she held herself out as a candidate for the first time on 1st of February 1971. I have further recorded a positive finding that the respondent no. 1 held herself out as a candidate with effect from 29th December, 1970. The whole matter has to be considered in that background.

It shall first be necessary to notice a few circumstances which have a material bearing on the point under consideration.

On the own admission of Sri Yashpal Kapur (R.W. 32) he had been working in the Prime Minister's secretariat since 1951. He further conceded that during the years 1956 and 1964 he was working at the Prime Minister's secretariat at his residence and, since the respondent, no. 1 was hostess, she occasionally called for his assistance for certain functions which she had to perform, with the result that the respondent no. 1 had come to know about his work fairly well. He also stated that when the respondent no. 1 was appointed as Minister for Information and Broadcasting, he was transferred to the Ministry of Information and Broadcasting at the instance of the respondent no. 1, and that when the respondent no. 1 became Prime Minister he was again transferred back to the Prime Minister's secretariat and was appointed as Private Secretary to her. In 1967, when the respondent no. 1 was to contest election from Rae Bareilly Parliamentary constituency, he resigned his post in the respondent's secretariat and worked for respondent no. 1 in Rae Bareilly constituency. After the 1967 elections were over he rejoined the respondent's secretariat, and according to him, he did so on the insistence of the respondent no. 1 herself. The relevant portion of the statement of Sri Yashpal Kapur in this connection reads as follows:—

"I left public life in 1967 and joined the Prime Minister's secretariat because the respondent no. 1 asked me to help her in the discharge of her duties. It was thus on her request that I rejoined the Prime Minister's secretariat as Officer on Special Duty. I did not make any formal application while joining the Prime Minister's secretariat in April 1967. If the respondent no. 1 had not requested me I would not have joined the Government service in April 1967. I agreed to join because I found that the Prime Minister was keen on that point."

It will thus appear that, in view of the fact that Sri Yashpal Kapur had been working either with the father of the respondent no. 1 or with the respondent no. 1 herself since quite along time, Sri Yashpal Kapur had obtained complete confidence of the respondent no. 1, so much so that he even resigned from his post in order to do electioneering work for the respondent, when the latter contested election for the Lok Sabha in 1967. After Sri Yashpal Kapur had done that job for the respondent no. 1, he was reappointed in the Prime Minister's secretariat. If the statement made by Sri Yashpal Kapur is correct, the respondent no. 1 almost considered his services indispensable and insisted on him to join her secretariat to assist her in the discharge of her official duties.

In the above background, once it has been accepted that the respondent no. 1 had held herself out as a candidate from

Rae Bareilly constituency from 29th December 1970, the fact that Sri Yashpal Kapur visited Rae Bareilly on 7th of January 1971 could well be associated with the election work of the respondent no. 1. In this connection it is also worthy of notice that on 5th of January, 1971 Raja Dinesh Singh, who was then a Minister in the Government of India, had visited Rae Bareilly and, according to the suggestion made to Ram Kumar Singh (P.W. 42), he held a meeting in the Central Election Office at Rae Bareilly and told the workers that the respondent no. 1 was to contest election from Rae Bareilly. According to Ram Kumar Singh, Raja Dinesh Singh even asked him to help the respondent no. 1. The suggestion made to Ram Kumar Singh itself shows that the visit of Raja Dinesh Singh was connected with the election of the respondent no. 1. It would so appear from the following question put to Ram Kumar Singh in cross-examination:—

"I suggest to you that Raja Dinesh Singh was only investigating the possibility whether respondent no. 1 should or should not fight election."

Having thus stated the surrounding circumstances of the case, I now proceed to consider the evidence adduced by the parties in support of their respective contentions.

The petitioner examined Nankau (P.W. 28), R. K. Dixit alias Phakkar (P.W. 31) and Sri Vidya Shankar Yadav (P.W. 43) in order to prove that in the speech delivered by Sri Yashpal Kapur on 7th January 1971 in the Shaheed Mela at Munshiganj he canvassed support for the respondent no. 1. The petitioner also relied on an issue of the newspaper "Beer Vaishwara" (Exh. 67) for this purpose.

Nankau (P.W. 28) is Pradhan of the Gaon Sabha Jhakrasi. He said that his village was about half a mile away only from Munshiganj, that he attended the Shaheed Mela at Munshiganj and further that Sri Gulzari Lal Nanda, the then Railway Minister, Government of India, said in the meeting that the respondent no. 1 wanted to contest election from Rae Bareilly constituency and that the people should give her their vote in order to enable her to win the election. Nankau further said that Sri Yashpal Kapur said the same thing at the meeting.

The fact that Sarvri Gulzari Lal Nanda and Yashpal Kapur attended the Shaheed Mela at Munshiganj on 7th of January 1971 has not been controverted on behalf of the respondent no. 1. The contention raised on behalf of the respondent, however, is two-fold:—

(1) that the evidence adduced by Nankau, and for that matter by other witnesses, with regard to the alleged speeches delivered in the Shaheed Mela at Munshiganj on 7th January 1971 is not admissible because no such meeting was pleaded by the petitioner;

and

(2) that in any case even though Sri Yashpal Kapur, accompanied by Sri Gulzari Lal Nanda, attended the Shaheed Mela at Munshiganj on the aforesaid date and also delivered speeches there, they did not say anything pertaining to the candidature of respondent no. 1 in the election but only paid tributes to the martyrs.

Now, so far as the first contention is concerned, it is explicitly alleged in para 5 of the petition that the election work done by Sri Yashpal Kapur, inter alia, included 'making speeches in support of the candidature of respondent no. 1 Smt. Indira Nehru Gandhi on 7th of January 1971 as well as on other dates canvassing for votes'. It is true that it is not mentioned in the petition that Sri Yashpal Kapur made any speech in the Shaheed Mela at Munshiganj. Since, however, it was clearly alleged that a speech was delivered by Sri Yashpal Kapur canvassing support for respondent no. 1 on 7th of January 1971, the mere fact that the place of the meeting was not alleged cannot be said to be a material omission. It is also worthy of notice that no objection in writing was filed on behalf of the respondent no. 1 urging that the aforesaid part of the pleadings contained in para 5 of the petition were vague and that better particulars should be furnished. An oral objection was raised at the time the statement of Nankau was being recorded, namely that it was not alleged in the petition that any meeting was held

at Munshiganj on 7th of January, 1971. I have, however, already stated that the fact of a meeting having been held on 7th January, 1971 and speech having been delivered by Sri Yashpal Kapur in that meeting does find place in the petition. If the respondent felt that it was necessary to know the place of the meeting, an objection could be filed on her behalf in that regard at the proper stage and the petitioner could then be called upon to furnish the particulars. The respondent no. 1 had every opportunity to cross-examine Nankau and the other witnesses who deposed about the meeting held at Munshiganj on 7th of January, 1971. It was also open to the respondent no. 1 to adduce any amount of evidence in rebuttal. In fact the respondent no. 1 has adduced that evidence. Once the parties have joined issue on that point and have led evidence, the objection raised by learned counsel for the respondent no. 1 cannot be countenanced, more particularly because learned counsel for the respondent no. 1 has failed to show that any prejudice has been caused to the respondent no. 1 for the reason of the place of the meeting not having been disclosed in the petition.

Coming to the merits of the evidence of P.W. Nankau, learned counsel for the respondent urged that Nankau could not tell the dates on which he had visited his relations; that he could not tell the date on which his marriage took place; that he could not tell the date of birth of his first child nor could he tell the date of birth of his youngest child. It was urged that if Nankau could not remember any of the aforesaid dates, it did not appear probable that he could remember about the date of the alleged meeting held at Munshiganj. The argument fails to convince me. It is admitted on both hands that during the non-cooperation movement shooting had taken place at Munshiganj resulting in loss of life of some people, who were fighting for the freedom of the country. It is again admitted on both hands that in the memory of those persons who lost their lives in that incident a 'Shaheed Mela' is held on 7th of January every year at Munshiganj. The Shaheed Mela has thus a special significance for those residing near about Munshiganj, and since the mela takes place every year on the same date, there was absolutely no improbability in Nankau having remembered the date even though he could not recollect the dates of other events in his life.

Learned counsel next contended that, on the own admission of Nankau P.W., Uma Shanker Yadav contested election from Rae Bareilly constituency as a B.K.D. candidate in the election that took place in 1974 and that he was a worker for Uma Shanker Yadav. On this basis it was stressed that Nankau belongs to a hostile party and it should therefore be inferred that he came forward to give evidence about the alleged speech delivered by Sri Yashpal Kapur on account of his political association with the hostile party. I am afraid, the mere fact that in the year 1974 Nankau worked for a B.K.D. candidate cannot constitute a sufficient ground for discarding his testimony. So many persons, who do not have any association with a political party, sometimes come forward to serve a candidate sponsored by that party, not because of their association with the party put on the ground of their association with the candidate himself in one way or the other. That by itself does not make them unreliable witnesses. In the case of Ambika Saran Singh. V. Mahant Mahadeo Nand Giri (41 Election Law Reports 183 at p. 193) the Supreme Court said:—

*"We do not in the present case have to decide whether a person acting as a polling agent or a counting agent or a person wishing the success of a particular candidate is necessarily an interested witness. Assuming that he is, his evidence cannot be rejected only for that reason. At the most the Court in such a case should scrutinise his testimony closely and demand corroboration before acting upon it."*

It could not be shown in the instant case that the evidence of Nankau is otherwise inconsistent or infirm. I have already stated earlier that looking to the setting in which Sri Yashpal Kapur came to Rae Bareilly on 7th of January 1971, it is not improbable that, while delivering speech in the Shaheed Mela at Munshiganj, he exploited the occasion also to canvass support for the respondent no. 1 in the election. The statement made by Nankau thus is therefore amply supported by the surrounding circumstances.

Some stress was also laid by learned counsel for the respondent no. 1 on the admission made by Nankau in cross-examination that it was for the first time in Court that he made a statement about the meeting held on 7th of January, 1971 and that he never told about that meeting to any person prior to it. It was argued that if Nankau did not make a statement about his visit to the Shaheed Mela at Munshiganj to any person, it is not understandable as to how he could be cited as a witness in the case, and this impairs the value of his testimony. I am once again unable to agree. In the first instance, while saying that he did not make a statement about the meeting prior to his being examined in the case, he presumably meant a formal statement. But, even if he did not mention about it to any person even in mutual conversation prior to his being examined in Court, he was after all not the only person to have attended the meeting. There should have been quite a big gathering and any person who would have seen Nankau in the meeting could furnish information to the petitioner to enable him to examine Nankau as a witness in the case.

Learned counsel then said that according to the statement made by Nankau in cross-examination two other persons, namely Sarju Prasad and Ram Pal of Village Jhakrasi attended the meeting and that all three of them had gone to the meeting together. Sarju Prasad and Ram Pal were examined as R.W. 12 and R.W. 13 respectively. It was stressed by learned counsel for the respondent that, according to the submissions on oath made by Sarju Prasad and Ram Pal R.Ws., they never went to Saheed Mela at Munshiganj and this establishes that the statement made by Nankau is wholly false. In view of this contention raised on behalf of the respondent, it will be appropriate to consider the evidence of Sarju Prasad (R.W. 12) and Ram Pal (R.W. 13) at this very stage.

Sarju Prasad (R.W. 12) and Ram Pal (R.W. 13) are residents of village Jhakrasi and both of them said that they did not go to attend the Saheed Mela in January 1971. I do not, however, feel impressed with their evidence. Sarju Prasad was a teacher in a Primary Pathshala during the year 1971. He conceded in cross-examination that Gaya Prasad Shukla was the Adhyaksha of the Zila Parishad and that his Pathshala was run by the Zila Parishad. It may be recalled that Gaya Prasad Shukla was doing important work in the election. The copies of the four programmes of the respondent no. 1 used to be issued to him. It was he who issued a general appeal in support of the candidature of the respondent no. 1 (Exh. 24), and it was he who, according to Sri Yashpal Kapur, was maintaining the accounts pertaining to the election of the respondent no. 1. It is quite likely that once Nankau had conceded in cross-examination that Sarju Prasad had accompanied him to the Shaheed Mela, pressure was brought to bear on Sarju Prasad (R.W. 12) by Gaya Prasad Shukla in order to make him appear as a witness in the case and give evidence to contradict the testimony of Nankau. It is true that in his re-examination Sarju Prasad admitted that on the date on which he was examined as a witness in the case the school was being run by the Government under the control of the District Basic Education Officer. However, the association that Gaya Prasad Shukla had with the Pathshala in his capacity as Adhyaksha, and consequently with Sarju Prasad, who was a teacher in that Pathshala, could not have been wiped off overnight merely because the school was taken over by the Government to be run under its own officers. Material was also elicited in the cross-examination of Sarju Prasad to show that he did not exhibit a straight forward conduct while in the witness box. I have already said earlier that the Shaheed Mela at Munshiganj carried some importance in the locality. Sarju Prasad himself admitted that on 7th January 1971 the Pathshala was closed because of the Saheed Mela. It is then not improbable that Sarju Prasad R.W. would also have gone to the Saheed Mela, which was only one and half miles away from his village, particularly when a leader of all India importance, namely Sri Gulzari Lal Nanda had come to pay tributes to the martyrs. Sarju Prasad, however, stated that he had not been seen that site in Munshiganj on which the Shaheed Mela takes place, and that he has never been to the Shaheed Mela. Now, this is a statement which cannot be accepted for any moment.

Sarju Prasad (R.W. 12) is, therefore, not a reliable witness in my opinion and the evidence of Nankau cannot be discarded on the basis of his evidence.

Ram Pal (R.W. 13) also stated in cross-examination that he had not been to the Shaheed Mela since he had attained discretion. I have already said that Shaheed Mela carried some importance in the locality and, consequently, it cannot be accepted that he would not have gone to the Shaheed Mela during his life time. That alone shows that he was not making a true statement while in the witness-box. He admitted in cross-examination that Sri R. C. Shukla Advocate belongs to his village. This R. C. Shukla was at one stage going pairvi on behalf of the respondent in this case and a complaint was lodged in the court on behalf of the petitioner that one of his witnesses was taken away by him to prevent the witness from giving evidence in the case. Notice for contempt was therefore issued against him, which has since been discharged. The fact that Sri R. C. Shukla was working for the respondent no. 1 during the election, was elicited in the cross-examination of Sri Yashpal Kapur (R.W. 32). Sri Mohan Lal Tripathi (P.W. 59), General Secretary, District Congress Committee (R), Rae Bareilly, stated that Sri Ramesh Chand Shukla was one of the general secretaries of the District Congress Committee (R) in 1970-1971. Now, since Ramesh Chand Shukla Advocate is a resident of the same village where Ram Pal resided, and since he was an important worker for the respondent no. 1 during the election and was also her pairkar at some stage, the possibility of Ram Pal having been pressurised by Sri Ramesh Chand Shukla cannot be excluded. Together with it there is also the fact that Sri Gaya Prasad Shukla, another important worker of the respondent no. 1, happened to be the Adhyaksha of the Zila Parishad during the period the witness was examined in the case. It is a matter of common knowledge that the Adhyaksha of the Zila Parishad always yields influence in the rural areas. It will not be out of place to add that when it was put to Ram Pal in cross-examination as to which party did Sri Ramesh Chand Shukla belong, he pleaded ignorance about it. It cannot be accepted for any moment that even though Sri Shukla resided in the village in which this witness resided, and even though Sri Shukla was such a prominent worker of the Congress Party Ram Pal would not have known about it.

All the above reasons make it abundantly clear that Ram Pal (R.W. 13) is also not a truthful witness. The evidence of Nankau cannot, therefore, be discarded on the basis of anything stated by him.

No other criticism having been made against the evidence of Nankau (P.W. 8), I find that he is quite reliable witness and there is no risk in acting on his testimony.

R. K. Dixit alias Phakkar (P.W. 31), during January to March 1971, was Joint Editor of 'Beer Baishwara', a weekly paper printed and published from Rae Bareilly. He deposed that he also served that paper as a reporter, that he had himself attended the meeting that took place at Shaheed Smarak, Munshiganj, on 7th January, 1971, and that Sri Gulzari Lal Nanda and Sri Yashpal Kapur, besides others, delivered speeches in that meeting. Referring to the speech said to have been made by Sri Yashpal Kapur, the witness deposed:—

"Sri Yashpal Kapur in his speech said that respondent no. 1 shall contest election to the parliament from Rae Bareilly constituency and, like the previous occasion, we should again make her successful."

The witness then referred to the news item relating to that meeting published in Beer Baishwara dated 9th January, 1971 (p. 1 columns 1 and 2) and said that this report was sent by him. The report has been marked ; Exh. 67).

I was not even suggested to Sri R. K. Dixit alias P.W. that he had any affiliation with any political party, or with any candidate hostile to the respondent no. 1. It could also not be shown that he had any other reason in order to make a false statement affecting Sri Yashpal Kapur and the respondent no. 1. Learned counsel for the respondent no. 1, however, pointed out that in the news item (Exh. 67) it is not explicitly stated as to what had been said by Sri Yashpal Kapur in the speech delivered by him in the Shaheed Mela. Learned counsel urged that on that ground the statement of Sri R. K. Dixit in Court should not be accepted. It is a matter

of common knowledge that it only the purport of the speeches that is sometimes published in the papers. In the first part of exhibit 67 it is stated :—

Pradhan Mantri ke chunao prachar  
abhiyan ka Shri Ganesh dinank 5  
January ko kendriya Udyog Mantri dwara  
Congress Karyalaya men karya kartaon  
sambodhan se shuru hua jiska vidhivat  
udghatan 7 January ko Munshiganj Shaheed  
Ashthal par kendriya rail Mantri Shri  
Gulzarilal Nanda dwara aek bhaari Jansabha ke  
sambodhan se hua."

In the other part of the issue of 'Beer Baishwara' dated 9th January 1971 (Exh. 67) it is first stated that the Railway Minister Shri Gulzari Lal Nanda and Shri Yashpal Kapur, Private Secretary of the respondent no. 1 reached Rae Bareilly station on 7-1-1971 at 11.00 a.m. It is further stated that in the Shaheed Mela held at Munshiganj, Sri Gulzari Lal Nanda delivered a speech and said that the respondent no. 1 stood for removing poverty, starvation and unemployment from the country and that her hands should be strengthened by making her successful in the election. In the next paragraph it is said that the leaders of the District Congress Committee, including Dal Bahadur Singh, Devi Charan Pandey, Ram Shankar Tripathi, Amresh Advocate, Ramesh Chand Shukla Advocate and Dr. P. N. Mehrotra, also delivered speeches, throwing light on the policies of the respondent no. 1 and doing mud-slinging on the opposition parties. In the paragraph following it, there is mention of the fact that Sri Yashpal Kapur, Sri Madan Mohan Misra, Sri Shiv Shankar Singh and Sri Parmanand also delivered speeches in that meeting. Since Sri Gulzari Lal Nanda was the leading speaker, his speech was reported at length. Thereafter the names of other speakers were disclosed. Since the substance of their speeches was also the same as that of Sri Gulzari Lal Nanda, it was presumably considered futile to repeat it over again. Reading the news item as a whole, it is clear that all those persons who delivered speeches at the Shaheed Mela solicited support for the respondent no. 1 as a candidate seeking election from Rae Bareilly constituency. At one place in the news item, while referring to the substance of the speech delivered by Sri Gulzari Lal Nanda, it is mentioned :—

"Vashtava men chunao prachar sabha thi."

The contention raised by learned counsel for the respondent that, while sending report about the speeches delivered at the Shaheed Mela (Munshiganj) on 7-1-1971, Sri R. K. Dixit alias Phakkar did not report the substance of the speech of Sri Yashpal Kapur and, consequently, the statement made by him in Court about the contents of the speech delivered by Sri Yashpal Kapur at the said Shaheed Mela should not be held to be true, is not justified and cannot be accepted.

In my opinion, therefore, Sri R. K. Dixit alias Phakkar (P.W. 31) is quite an independent and reliable witness and there is no risk in acting on his testimony.

Vidya Shankar Yadav (P.W. 43) is a practising Advocate. He deposed that he had also gone to the Shaheed Mela in order to attend the meeting that took place there. He further on stated that Sarvasri Gulzari Lal Nanda and Yashpal Kapur also delivered speeches in that meeting besides other persons and that Sri Yashpal Kapur, after paying tributes to the martyrs, said in his speech:—

"Respondent No. 1 had successfully contested election earlier from Rae Bareilly constituency and that she should contest election from the same constituency and we should make her successful."

In cross-examination he said that in 1921 firing had taken place at Munshiganj in which a number of persons had lost their lives and that a meeting is held every year there in order to pay tributes to the martyrs. According to him, members of all political parties had attended that meeting and it was for that reason that he had gone to attend it.

It was elicited in the cross-examination of Sarju Prasad (R.W. 12) that a distance of two miles intervened between Munshiganj and Rae Bareilly. Looking to the very small distance that intervenes between Rae Bareilly and Munshiganj, and further looking to the fact that a meeting was to take place at Munshiganj for paying tributes to the martyrs and a leader of all India importance viz. Sri Gulzari Lal Nanda had come for the purpose, there is absolutely no improbability in Sri Vidya Shankar Yadav Advocate having gone to Munshiganj to attend the meeting.

Learned counsel for the respondent No. 1 pointed at that, on his own admission, Sri Vidya Shankar Yadav was polling agent for the petitioner and also looked after his election work. It was also pointed out that, according to the admissions elicited in cross-examination, he belonged to Bhartiya Kranti Dal and, during the year 1974, he was a proposer of Uma Shankar Yadav who contested election as a candidate of the Sanyukt Socialist Party. Learned counsel stressed that partly for the reason that this witness had worked for the petitioner in the election and partly for the reason that he belongs to the opposition party, it would be fraught with risk to rely on his testimony. True, Vidya Shankar Yadav frankly admitted that he had worked for the respondent in the election and that he was also a member of opposition party, namely Bhartiya Kranti Dal. The fact, however, remains that he is a practising Advocate and further that his evidence is supported by the evidence of two other witnesses, whom I have already held to be reliable witnesses.

Learned counsel for the respondent no. 1 also urged that Sri Vidya Shankar Yadav was an educated person, being an Advocate, and further he also belonged to an opposition political party. It was stressed that if it were a fact that any electioneering was done at the meeting held at Shaheed Mela (Munshiganj), complaints about it would have been sent by Sri Vidya Shankar Yadav to some authorities. Learned counsel pointed out that, on the own admission of Sri Vidya Shankar Yadav, he did not send any complaint about it anywhere and, consequently, the statement made by Sri Vidya Shankar Yadav that any electioneering was done by any person in the meeting at Munshiganj should be discarded as untrue. I am once again unable to agree. Sri Vidya Shankar Yadav, on being questioned on that point, clearly stated that he had raised a protest at the meeting about its being converted into an election meeting. He, however, said that since there were 3 or 4 persons only who raised the protest, they were not heeded. Further on he said that he did not send any complaint about it because the meeting was organised by the people residing at Rae Bareilly and most of them belonged to Congress (R). There is thus some explanation as to why no complaint was sent by Sri Vidya Shankar Yadav. Together with it there is also the fact that no notification in regard to the election had till then been issued by the Election Commission of India. This could have dissuaded Sri Vidya Shankar Yadav from sending any complaint to the Election Commission, and there could be hardly any logic in sending complaints about it to any other authority. As for Sri Vidya Shankar Yadav P.W. not having issued any statement to the press, it could be due to the fact that the matter had already otherwise obtained publicity in Rae Bareilly.

Since Sri Vidya Shankar Yadav is a respectable witness and since his evidence is corroborated by the evidence of two independent persons, I see no risk in relying on his testimony as well.

Lastly, there is the issue of 'Beer Baiswara' dated 9th January 1971. The paper was filed in Court by Sri Ram Dev Trivedi (P.W. 23), Editor thereof. He stated that the news item (Exh. 67) in that paper was based on the information received from Sri R. K. Dixit, who was then the City Reporter for the paper. Sri R. K. Dixit (P.W. 31), as also mentioned earlier, having entered the witness-box, has proved that news item. He has also given direct evidence about the speech delivered by Sri Yashpal Kapur at that meeting. The news item (Exh. 67) published in Beer Baiswara dated 9th January 1967 therefore stands proved. A reading of that news item as a whole shows that in the election speech delivered by Sri Yashpal Kapur, canvassing was done for respondent no. 1. It cannot be accepted that this news item was published on 9th January 1971 by way of any peshbandi. No foundation could be laid by learned counsel for the respondent no. 1 in order to contend that

this issue of 'Beer Baiswara' was got printed some time after the election for the purpose of this petition. I accordingly hold that the news item (Exh. 67) contained in the issue of 'Beer Baiswara' dated 9th January 1971 can also be utilised to corroborate the evidence of Nankau (P.W. 28), R. K. Dixit alias Phakkar (P.W. 31) and Vidya Shankar Yadav (P.W. 33). I must, however, make it clear that even if this issue of Beer Baiswara were not there, I would not have felt any hesitation in relying on the evidence of the aforesaid witnesses.

The aforementioned evidence adduced by the petitioner thus does show that Sri Yashpal Kapur delivered a speech in the Shaheed Mela at Munshiganj on 7th January 1971 and in that speech he did canvassing for the candidature of the respondent no. 1.

The second item of evidence relied upon by the petitioner for the period ending on 13-1-1971 is the entry at serial no. 1 of the return of election expenses (Exh. 5) filed by the respondent. According to this entry, a sum of Rs. 657/90 was paid on 11-1-1971 to the District Election Officer, Rae Bareilly, on account of payment of cost of voters' list. Learned counsel pointed out that the first column in the return is meant to carry the date of expenditure and sixth column thereof is meant to carry the name of the person to whom payment is made. Learned counsel urged that since the entry in the first column shows that the amount was paid on 11-1-1971, and since the entry in the sixth column indicates that it was paid to the District Election Officer, it should be held that on 11-1-1971 Sri Yashpal Kapur purchased voters' list for the respondent and thus rendered assistance to her.

According to Sri Yashpal Kapur, after he had stated serving as election agent, he wanted to obtain a list of voters and since he came to know that the District Congress Committee had already obtained the voters' list, he obtained the same from the D.C.C. and paid the sum of Rs. 657/90 to them.

I am not fully convinced with the statement of Sri Yashpal Kapur, for, if it were the whole truth, the expenditure should have been entered in the return (Exh. 5) in the date in which the money was actually paid by Sri Kapur, and in column six of the return there should have been the name of the District Congress Committee instead of the name of the District Election Officer.

All the same, since there is no positive evidence of the fact that Sri Yashpal Kapur was present at Rae Bareilly on 11th of January 1971, it will not be very safe to conclude on the basis of the aforesaid entry that Sri Yashpal Kapur himself purchased the voters' list for respondent no. 1 on 11-1-1971. Sri Gava Prasad Shukla was a prominent worker for the respondent no. 1. According to Sri Yashpal Kapur, he was in charge of maintaining accounts. It is quite likely that, under some instructions, he purchased the voters' list for the respondent no. 1 and hence the entry.

I would, therefore, place no reliance on entry 1 of the return of election expenses (Exh. 5) while considering the services rendered by Sri Yashpal Kapur to the respondent no. 1 during the period ending on 13-1-1971.

The respondent no. 1 examined four witnesses in rebuttal. Out of them, I have considered the evidence of Sarju Prasad (R.W. 12) and Ram Pal (R.W. 13) while assessing the evidence of Nankau (P.W. 28) and have found both of them to be unworthy of reliance. The third witness examined by the respondent is Thakur Ambika Singh (R.W. 24). He deposed that he too attended the Shaheed Mela that took place in Munshi Gunj on 7th January 1971, and that, while Sarvasri Gulzari Lal Nanda, Yashpal Kapur and some local leaders paid tributes to the martyrs in that Shaheed Mela, it was not said by any of them that the respondent no. 1 shall contest election to the Lok Sabha from Rae Bareilly constituency. It was, however, elicited in his cross-examination that he was a member of the Congress Party since 14 or 15 years and that in the election that took place in 1971 he had worked for the respondent no. 1 as a member of that party. It was also elicited in his cross-examination that about six years ago he was prosecuted on a charge of dacoity. The trial court held him guilty, but he was acquitted in appeal. He is thus in the first instance an interested witness and, further, his antecedents were also not wholly above-board. Material was also elicited in his cross-examination to show that he tried to suppress facts. He said that it was wrong that Gaya



Prasad Shukla was incharge of the election office in 1971. It has, however, already been mentioned earlier that copies of the tour programmes were forwarded, among others, to Sri Gaya Prasad Shukla, and that his address is mentioned therein as 'Kendriya Congress Karyala, Rae Bareilly' (Exh. 43). Again on 1st of February 1971 he had issued a general appeal in the constituency in support of the candidature of the respondent no. 1, copy whereof is Exhibit 24 on record. Sri Yashpal Kapur conceded in cross-examination that Sri Gaya Prasad Shukla was in charge of maintaining election accounts on behalf of the respondent no. 1. The statement made by Thakur Ambika Singh about Sri Gaya Prasad Shukla is thus not the whole truth.

For all the aforesaid reasons, implicit reliance cannot be placed on testimony of Thakur Ambika Singh.

Lastly, there is the evidence of Sri Yashpal Kapur (R.W. 32). He admitted having attended the meeting in Shaheed Mela at Munshiganj on 7-1-1971 and also having delivered a speech there. He, however, said that he only paid tributes to the martyrs in the brief speech given by him, and that he did not say anything about the candidature of the respondent no. 1 or about the election in that meeting. It will be appropriate here to make an overall estimate of the evidence of Sri Yashpal Kapur in order to find out as to what extent reliance, if any, can be placed on his testimony.

While recording my finding on issue no. 1 of the additional issues, I have already held that the statement made by Sri Yashpal Kapur to the effect that the respondent no. 1 had held herself out as candidate for the first time on 1st of February 1971 after having a talk with Sri Kamalapati Tripathi and the members of the District Congress Committee, Rae Bareilly, was untrue and had been made with a view to fortify the plea that had been set up by the respondent no. 1.

Sri Yashpal Kapur also stated that in 1967 he resigned from his post because he wanted to do public service. It is, however, strange that his zeal for public service was very short lived, for, very shortly after the election was over, he again joined service in the secretariat of the respondent no. 1. In that context it should be held that the statement made by Sri Yashpal Kapur that he resigned in 1967 with a view to do public service was untrue, and the fact is that he did so only with a view to work for the respondent no. 1 in the election. Again, he stated that having attended the Shaheed Mela at Munshiganj on 7-1-1971, he returned to Delhi next day, and that on 9th or 10th January 1971 he again expressed a desire to the respondent no. 1 to resign so that he could enter public life. Now, it is not understandable as to why, having peacefully worked as Officer on Special Duty in the respondent no. 1's Secretariat till 7th of January 1971, he was again seized of a desire to do public service. The desire was so intense that within a couple of days he took decision, despite the warning said to have been given by the respondent no. 1, and actually tendered his resignation on 13th of January 1971. The fact that he was seized of a desire once again on the eve of parliamentary elections after the respondent no. 1 had expressed her intention to contest election from Rae Bareilly, only shows that it was not the desire to do public service, but the desire or behest to do election work for the respondent no. 1 that induced him to resign.

Testing the statement of Sri Yashpal Kapur regarding the motive of his resignation a little further, we find that having submitted his resignation on 13th of January 1971 he met the same evening Sri Kamalapati Tripathi, the then President of the U.P.C.C., who was camping at Delhi. Sri Yashpal Kapur said that he told Sri Kamalapati Tripathi that he was a free man and could do any work assigned to him, whereupon Sri Kamalapati Tripathi asked him to go to the districts east of Lucknow. Now, it is worthy of notice that general election to the Lok Sabha had taken place in the country in 1971, Sri Yashpal Kapur claims to have resigned on the eve of those elections. It may be assumed that he did so at that time because there was opportunity to do greater and more hectic service during that period. It is, however, strange that once again he was asked to go in the direction of Rae Bareilly. Proceeding further, Sri Yashpal Kapur said that having reached Lucknow in the morning of 14th January 1971 he obtained a car from the U.P.C.C. and went to Rae Bareilly the same day. Why to Rae Bareilly? According to him, Sri Kamalapati Tripathi had asked him to go to the districts east of Lucknow. Rae Bareilly was not the only district east of Lucknow. Why should he then have

gone to Rae Bareilly unless the reason underlying his resignation was to do election work for the respondent no. 1 in the constituency.

Sri Yashpal Kapur said that having stayed at Rae Bareilly till the noon of 17th January, 1971 he left for Sultanpur and Barabanki. He, however, said in cross-examination that he did not stay at Barabanki for more than one day because Barabanki was very near to Lucknow and staying at Lucknow was more comfortable. About Sultanpur, he said that he stayed only for one day, but he did not remember the place of his stay there. Asked about the work done by him at Sultanpur and Barabanki, he said that he just talked to the local people there about the organisational work. This does not appear to be convincing. As I will show a little later, there is evidence on record to indicate that he stayed on at Rae Bareilly till 19th of January, 1971. It appears that he made the aforesaid statement to avoid admitting the presence in the meeting that took place at the Clock Tower, Rae Bareilly, on 17th January, 1971, and in the meetings and functions of Professor Sher Singh that took place on 18th and 19th January, 1971.

It was put to Sri Yashpal Kapur that in 1967 he resigned on the eve of election and worked in the constituency of the respondent no. 1, that in year 1971 he again worked in the constituency of the respondent no. 1; and whether there was any particular reason behind this coincidence. He replied that he did so because everyone wants to get into the work which may push him into the Parliament for the Legislature of some State. He conceded that he had that ambition in 1967 as well as in 1971. In fact the respondent no. 1 (R.W. 37) also said during her cross-examination that in 1967 Sri Yashpal Kapur was looking for some opportunities which were not available at that time. That being so, it is obvious that Sri Yashpal Kapur did not resign in 1967, nor in 1971, for the sake of any public service but only to work for the respondent no. 1 in her constituency and thereby obtain her help in the fulfilment of his ambition.

According to Sri Yashpal Kapur, his ambition was fulfilled in 1972 when he was elected to Rajya Sabha from the Uttar Pradesh. The statement made by Sri Yashpal Kapur in that connection also deserves some notice. He conceded that a person who is not a resident of a particular State cannot be elected a member of Rajya Sabha from that State. In the electoral roll of the year 1970 (Exh. 17) he is entered as a resident of House No. 968, Kutchery Road, Rae Bareilly. He, however, conceded that neither in 1968-69 nor in 1970-71 he ever resided in Rae Bareilly. It was obviously so because he was then employed in the Prime Minister's Secretariat at Delhi. It was, therefore, put to him whether his residence as shown in the electoral roll (Exh. 17) was incorrectly mentioned as House No. 968, Kutchery Road, Rae Bareilly. He first said : "I would not call it wrong. I remember when the revision of the electoral roll was taking place I was at Rae Bareilly and I was told that my name has been entered in the electoral roll of Rae Bareilly." The question that was next put to the witness and the answer given by him are as follows :—

"Q. The answer given by you does not answer the question that was precisely put to you. You have still to answer as to how the description of your residence in Exh. 17 is correct when you concede that during the year 1970 you were not residing in any town or district in U.P. ?

A. I am not able to answer the question." It will thus appear that Sri Yashpal Kapur has not been able to give any explanation whatsoever as to how he was recorded as an elector in the State of Uttar Pradesh during the year 1970.

It was further elicited in his cross-examination that on 14th November 1970 a branch of the Baroda Bank was opened at Rae Bareilly, and Sri Jagannath Paharia, the then Deputy Minister, Finance, had inaugurated it. He said that he had then opened a symbolic account of Rs. 101 in the above branch of the Baroda Bank. He was confronted with the letter (Exh. 54) sent by the Agent, Bank of Baroda, Rae Bareilly branch to the Deputy Registrar, High Court, which, inter alia, states that the Bank had 'a Savings Bank Account No. 26 in the name of Sri Yashpal Kapur, address : Kutchery Road, Rae Bareilly'. Sri Yashpal Kapur started that while opening the account he did not furnish any address for be-

ing entered in the record of the Bank of Baroda. He conceded that he was aware of the fact that while opening an account in any bank a person has to furnish his address. He, however, said that he did not furnish any address because he had opened a symbolic account only. Sri Ashok Kumar Dhupar (P.W. 11) an officer of the Bank of Baroda, was examined by the petitioner and he deposed :

"Sri Yashpal Kapur who opened the account gave his name as Yashpal Kapur and address as Kutcheri Road, Rae Bareilly."

He further on said that any person opening an account in the Bank of Baroda has to present himself personally in the Bank for opening the account and his specimen signatures are obtained and kept. In view of the letter (Exh. 54), the aforesaid admission made by Sri Yashpal Kapur and the statement of Sri Ashok Kumar Dhupar (P.W. 11), it is difficult to accept that the address of Sri Yashpal Kapur was recorded in the Bank as Kutcheri Road, Rae Bareilly, without his telling so. It was put to him that since he conceded that during the year 1970 he resided at Delhi and went to Rae Bareilly occasionally, and since he further conceded that he did not furnish any address while opening the account with the Bank of Baroda, could he tell at whose instance his address was recorded in the Bank papers as is contained in the letter (Exh. 54). The witness expressed his inability to say as to at whose instance his address came to be recorded like that in the records of the Baroda Bank.

Learned counsel for the petitioner vehemently argued that Sri Yashpal Kapur manipulated to get his name entered in the electoral roll (Exh. 17) as resident of House No. 968, Kutcheri Road, Rae Bareilly, and that he again made a wrong representation in that connection while opening his account in the Bank of Baroda in the year 1970, in order that he could be elected to the parliament as an elector from this State. Since Sri Yashpal Kapur failed to offer any explanation whatsoever as to under what circumstances his name came to be entered in the electoral roll (Exh. 17) and under what circumstances his address was entered in the Bank papers, as Kutcheri Road, Rae Bareilly, the contention raised on behalf of the petitioner cannot be rejected as devoid of substance. According to learned counsel for the petitioner, this exposes Sri Yashpal Kapur to the charge that he could make any statement in order to achieve his purpose. The criticism cannot be said to be uncalled for, in view of the own statement of Sri Yashpal Kapur.

Learned counsel for the respondent no. 1 objected that anything pertaining to the entries in the electoral roll could not be questioned as there are exhaustive provisions pertaining to that matter in the Representation of the People Act, 1950 and the rules framed thereunder. I agree that the finality of an electoral roll cannot be questioned in an election petition assailing the election of a particular elector. It does not, however, mean that the statement of a witness on the point as to how he came to be recorded as an elector in any State cannot be considered even for assessing the worth of his testimony in any other case too. The objection raised by learned counsel for the respondent no. 1 cannot, therefore, be accepted.

The statement made by Sri Yashpal Kapur on the point of expenditure incurred by him on behalf of the respondent no. 1 also appears to be dubious. He said that he did not incur any expenditure on behalf of the respondent before 1st of February 1971. Exh. 22/9 is, however, the copy of the receipt obtained by him for the remuneration paid to Sirej Ahmed driver. This receipt is annexed to the return of election expenses. According to Sri Yashpal Kapur, he obtained the jeep after 1st of February, 1971 and the driver had been engaged by him. (This would mean that the driver had been engaged on or after 1st February, 1971) A perusal of the aforesaid receipt, however, shows that the driver was paid salary for the period from 15th January, 1971 to 10th of March, 1971. It, therefore, follows that Sri Yashpal Kapur had started incurring election expenses with effect from 15th January, 1971. Confronted with the receipt (Exh. 22/9), Sri Yashpal Kapur tried to modify his statement and said that the jeep was already at Rae Bareilly when it was given to him and he was told that Sirej Ahmed was the driver on the jeep. Now, this statement is inconsistent with his previous statement that the driver had been engaged by him. Further, even that statement made by him fails to explain as to why remuneration for the period prior to 1st of Feb-

ruary 1971 was paid by him, if he had obtained the jeep for election work on or after 1st of February 1971. On being specifically questioned with regard to it, Sri Yashpal Kapur said that he paid the salary to the driver for the period commencing from 15th January 1971, because Sri Gaya Prasad Shukla told him that the driver was on the jeep with effect from that date. As already stated, this statement again contradicts his previous statement that the driver had been engaged by him. However, he was questioned that, if he was aware that in the return of election expenses only the amounts spent in connection with the election had to be shown why that part of the remuneration which related to the period prior to 1st of February 1971 and was not election expenditure, was included by him in the receipt (Exh. 22/9) and in the return of election expenses. To that the witness replied :

"I may have erred but I erred on the right side. There was a big margin available. I, therefore, saw no harm in including the whole amount specified in the receipt Exh. 22/9) in the election return."

The reply is not at all convincing.

Again, according to the return of election expenses (Exh. 5), he incurred an expenditure of Rs. 657.90 on 11-1-1971 on account of cost of voters' list. The next six entries in the return relate to the expenditure incurred on 28th January 1971. The seventh and eighth entries relate to the expenditure incurred on 29th January 1971 and the entry following it relates to the expenditure incurred on 30th January 1971. If it were true that Sri Yashpal Kapur did not incur any expenditure before 1-2-1971, as stated by him, how do all these entries exist in the return (Exh. 5). That apart, vouchers nos. 54, 53, 52, 51 and 50, accompanying the return of election expenses Exh. 5) show that Nanhey Dhobi, Smt. Rewa Ram Pyari, Smt. Daya Dulari, Ram Pal and Ram Sagar had been paid wages for the period with effect from 28th January 1971. What is the explanation thereof if the petitioner did not incur any election expenditure before 1st of February 1971. Sri Yashpal Kapur tried to explain the earlier mentioned entries in the return of election expenses by saying that, since the District Congress Committee had put it to him that the aforesaid expenditure had been incurred by them for organising the election of any person who may later hold himself/herself out to be a candidate, he considered it appropriate to repay that amount as well to the D.C.C. This explanation again is not convincing. Needless to say that Sri Yashpal Kapur offered no explanation whatsoever about the vouchers. It is, therefore, difficult to accept that part of the statement of Sri Yashpal Kapur wherein he said that he incurred no expenditure in connection with the election of the respondent no. 1 prior to 1st of February 1971.

It appears that when the return of election expenses was filed, it was not realised that the fact of respondent no. 1 having held herself out as a candidate on 29-12-1970 and the fact of Sri Yashpal Kapur having started doing election work for her shortly thereafter could create any complications. It was for this reason that the expenditure was entered in the dates in which it was incurred. When, however, the present petition was filed, it was presumably realised that any admission to the effect that the respondent no. 1 held herself out as a candidate on 29th December 1970 or that Sri Yashpal Kapur started working for her shortly thereafter could create complications. The respondent no. 1, therefore, took the stand that she held herself out as candidate for the first time on 1st of February 1971, and that she did not ask Sri Yashpal Kapur or any other person to do any work for her till then. Sri Yashpal Kapur tried to make a statement in conformity with the stand taken by the respondent no. 1 and that has given rise to the aforesaid inconsistencies.

Cross-examination was also done with Sri Yashpal Kapur regarding some property, said to have been acquired by him in the name of his wife. He admitted that a property had been purchased by his wife in Golf Link area for which she had paid something above Rs. four lacs. According to him, he contributed a sum of Rs. 50,000 to his wife for that purpose, a sum of Rs. 1,00,000 was advanced to her by his mother-in-law, a little more than Rs. 1,00,000 was advanced to his wife by Narang Bank and a sum of a little more than Rs. 1,00,000 was given on loan by a family friend. He was, therefore, questioned as to on what conditions the loans



were obtained by his wife, and to that he replied that he was not aware as to on what conditions the loans had been taken. He also pleaded ignorance if the building purchased by his wife or part thereof had been mortgaged in favour of any of those persons from whom loans were taken, or if any pronote or bonds had been executed in that connection. He also pleaded ignorance about the covered accommodation in the building purchased by his wife. Now, it cannot be ignored that the building had been purchased by a person no other than the wife of Sri Yashpal Kapur. It is not his case that the relations between him and his wife are strained. On the other hand, on his own admission, he contributed Rs. 50,000 towards the purchase of the building. In that background, it is difficult to accept that Sri Yashpal Kapur did not know whether any bonds, pronotes or mortgage deeds had been executed in respect of the loans taken, and above the covered accommodation in the house. Again, a perusal of the written statement and Addl. Written statement filed by the respondent no. 1 shows that a number of the paragraphs thereof have been verified by the respondent no. 1 on the basis of the information received from her election agent, namely Sri Yashpal Kapur. The respondent no. 1 during her deposition also stated that after she had received copy of the election petition she had taken to Sri Yashpal Kapur on the subject. The statement made by Sri Yashpal Kapur on that point is inconsistent with that made by the respondent no. 1, for, he stated that he did not discuss the election petition with the respondent no. 1 any time before appearing in Court to give his evidence. His attention was then invited to the verification clause contained in the written statement and he said: 'I still maintain that I did not have any talk with the respondent no. 1 about the election petition.'

From the above discussion of the statement made by Sri Yashpal Kapur it would appear that it is not a statement of straightforward nature and on several points it is an admixture of half truths and untruths. Consequently, no reliance can be placed on that part of his statement wherein he denied to have said anything in his speech on 7th January 1971, pertaining to the candidature of the respondent no. 1. It may also not be out of place to add that since it is Sri Yashpal Kapur himself who was charged with having rendered the assistance to the respondent no. 1 in his capacity as a Gazetted Officer of Government of India, he could not be expected to admit it.

Learned counsel for the respondent then urged that even accepting that Sri Yashpal Kapur delivered a speech at Munshiganj on 7th January 1971 and that he canvassed support for the respondent in that speech, he was not an election agent on that date, and there is no evidence of the fact that he had been instructed to do so by the respondent no. 1. Learned counsel stressed that, consequently, it should not be held on that basis that the respondent no. 1 obtained or procured the assistance of Sri Yashpal Kapur for the furtherance of her election prospects.

I have given my careful consideration to this argument as well, but I regret my inability to accept the same. As also stated earlier, Sri Yashpal Kapur was occupying a position of trust and confidence with the respondent no. 1 since quite a long time. During the period in question he was Officer on Special Duty in the respondent no. 1's Secretariat. In 1967 he had resigned from his post for the sake of respondent no. 1 to be able to do her election work in the constituency. After that was done, he was taken back in the respondent's secretariat as Officer on Special Duty. Respondent no. 1 held herself out as a candidate on 29th December, 1971. On 5th of January 1971 Raja Dinesh Singh was sent to the constituency on 7th of January, 1971 Sri Yashpal Kapur visited Rae Bareilly and, on the own admission of respondent no. 1, he did so with previous notice to the respondent no. 1. The subsequent events also appear to be material, for, according to Sri Yashpal Kapur, immediately on return from Rae Bareilly he held a talk with the respondent no. 1 on 9th or 10th of January 1971 on 13th January he again resigned from the post and the same day set out once again for the constituency of the respondent no. 1. It was again he who was ultimately appointed election agent for the respondent no. 1. It may be added that it was not possible to adduce any direct evidence on the point whether the respondent no. 1 instructed Sri Yashpal Kapur to go to Rae Bareilly on 7th January 1971 for any election work. That can be inferred only on the basis of the surrounding circumstances. I have already mentioned those circumstances above and to my mind the only inference that can be drawn on the basis of those circumstances is that the respondent no. 1

went to Rae Bareilly on the aforesaid date under instructions of the respondent no. 1 for doing preliminary work pertaining to her election.

To sum up, therefore, it is satisfactorily proved that the respondent no. 1, during the period ending on 13th January 1971, obtained/procured the assistance of Sri Yashpal Kapur, a Gazetted Officer in the Government of India for the furtherance of her election prospects, inasmuch as Sri Yashpal Kapur was made to go to Rae Bareilly on 7-1-1971 and delivered a speech at Sahced Mela in Munshiganj canvassing support for her candidature.

The period from 14-1-1971 to 25-1-1971.

There is no controversy about the fact that Sri Yashpal Kapur tendered his resignation from the post of Officer on Special Duty on 13th of January 1971 and the same day he left for Lucknow. Further, on the own admission of Sri Yashpal Kapur, he reached Rae Bareilly on 14th of January 1971. I have already held earlier that on 7th of January 1971 he had gone to Rae Bareilly in order to start election work for the respondent no. 1 and, while delivering speech in the Sahced Mela in Munshiganj, he solicited support for the respondent no. 1. He returned to Delhi on 8th January 1971, and on 9th or 10th January, 1971 he held talks with the respondent no. 1. In the context of my finding that he had gone to Rae Bareilly on 7th of January, 1971 for doing election work it should be inferred that presumeable he talked about the same during the conversation that he had with the respondent no. 1 on 9th or 10th of January 1971. The fact that he resigned on 13th of January 1971 with a view to do political work and directly came to Rae Bareilly, in that background, is a strong pointer to the conclusion that he did so with a view to do election work for the respondent no. 1. It is also worthy of notice in this connection that voucher no. 49 accompanying the return of election expenses (Exh. 5) of the respondent, relates to the salary paid to Siraj Ahmed as driver of the jeep that was admittedly used by Sri Yashpal Kapur for doing election work for respondent no. 1. A perusal of this receipt shows that Siraj Ahmad was paid his salary for the period commencing from 15th of January 1971. This voucher also, therefore, proves that at least with effect from 15th of January, 1971 Sri Yashpal Kapur stated doing election work for the respondent no. 1. It may be mentioned at this place that the explanation given by Sri Yashpal Kapur about the aforesaid voucher has already been held by me earlier to be unworthy of acceptance.

The statement of Sri Mohan Lal Tripathi (P. W. 59) : General Secretary, District Congress Committee (R), Rae Bareilly, also lends support to the fact that during the period commencing from 14th of January 1971 Sri Yashpal Kapur was doing election work at Rae Bareilly. He said that till 1st of February 1971 they were making propaganda for votes being cast in favour of the congress candidate. He, however, added that they were not canvassing for any particular candidate. He further said that Sri Yashpal Kapur also did canvassing in a similar manner.

The fact that Sri Yashpal Kapur did work pertaining to election during his stay at Rae Bareilly with effect from 14th of January 1971 also finds some support from the additional written statement filed by the respondent no. 1. In para 2(b) the respondent no. 1, inter alia, pleaded :—

"The statement in the amended paragraph 5 of the petition that Sri Yashpal Kapur, at the direction of this respondent, organised the electioneering work for her during the entire period commencing from 27th December, 1970, is denied, except that, Sri Yashpal Kapur did some work in the constituency, though there was no electioneering work done by him for this respondent till a few days before his appointment as election agent." (Underlining is by me).

By the aforesaid pleading the respondent no. 1 appears to have admitted that Sri Yashpal Kapur did some work in the constituency prior to his being appointed as election agent and that a few days before his appointment as election agent he also did some electioneering work for the respondent. In para 2(c) the respondent no. 1, inter alia, pleaded :—

"It is also denied that Sri Yashpal Kapur made any speech on 7-1-1971 in support of her candidature. Though a few days even before his appointment as election agent he did make speeches appealing

to the voters for the Indian National Congress but not particularly for any candidate or canvassing for this respondent". (Underlining is by me)

This part of the pleading appears to be inconsistent with the above-quoted pleading contained in para 2(b) of the petition, inasmuch as while the pleading contained in para 2(b) of the additional written statement concedes that some electioneering work was also done by Sri Yashpal Kapur for the respondent no. 1 a few days before his appointment as election agent, it is denied in the above-quoted part of the pleading contained in para 2(c) of the Additional written statement. A cumulative reading of para 2(b) and para 2(c) of the additional written statement, however, shows a clear concession on the part of the respondent no. 1 that Sri Yashpal Kapur was doing some election work at Rae Bareilly before his appointment as election agent, though that work was not particularly for any candidate. Now, once it is accepted that, during the period before his appointment as election agent, Sri Yashpal Kapur was doing work pertaining to election within the constituency, it should be inferred that the work related to the candidature of the respondent no. 1, view of my finding recorded earlier that the respondent no. 1 had held herself out as a candidate on 29th of December 1970. The fact that the respondent no. 1 was a candidate from Rae Bareilly constituency with effect from 29th December 1970 and the fact that Sri Yashpal Kapur had also gone to Rae Bareilly on 7th January 1971 and had then delivered a speech in support of her candidature, rather make it obvious that during the period between 14th of January 1971 and 25th of January 1971 also the work done by Sri Yashpal Kapur at Rae Bareilly pertained to the election of the respondent no. 1.

Therefore, the circumstances emanating from the additional written statement of the respondent no. 1, from the statement on oath made by Sri Yashpal Kapur (R.W. 32) and from the statement made by Sri Mohan Lal Tripathi (P.W. 59) towards the end of his cross-examination, it is clearly borne out that during the period between 14th of January 1971 and 25th of January, 1971 Sri Yashpal Kapur was doing election work for the respondent no. 1.

Coming to the specific instances, it is first alleged that on 14th of January 1971 Sri Yashpal Kapur led a fleet of cars through the town of Rae Bareilly as part of the election propaganda for the respondent no. 1. The oral evidence relied upon by the petitioner in this connection consists of the statements of Uma Shankar Yadav (P.W. 41) and Ram Kumar Singh (P.W. 42).

Sri Uma Shankar Yadav is a practising Advocate. He stated that on 14th of January 1971 a number of vehicles started in procession from the Central Election Office, Rae Bareilly, carrying posters and banners in favour of the candidature of respondent no. 1. He added that loudspeakers were fitted on the vehicles; and the people on the vehicles appealed to the public through the loudspeakers that they should give votes to the respondent no. 1 and should make her successful. He, however, did not claim to have seen Sri Yashpal Kapur in that procession, though he added that he had seen him round about 15th of January 1971 doing election propaganda. Learned counsel for the petitioner urged that Uma Shankar Yadav (P.W. 41), according to an admission elicited in his cross-examination, was a staunch worker of the S.S.P., and that during the election of 1971 he worked as counting agent for the petitioner besides working for him in connection with his election campaign. Learned counsel stressed that Uma Shankar Yadav is, therefore, a strongly partisan witness and consequently no reliance can safely be placed on his testimony.

There is more than one reason, however, for which I am unable to accept the criticism levelled by learned counsel for the petitioner. Sri Uma Shankar Yadav is a practising Advocate and therefore a respectable person. It was not put to him in cross-examination that no procession of vehicles was taken out by the Congress Party in Rae Bareilly on 14th of January 1971 and that the statement made by the witness was an outright lie. On the contrary the following question was put to him :—

"Q. Is it not correct that the propaganda that was started on 14th January 1971 by the congress men was for the success of the Congress Party in the election and not for a particular candidate ?"

This question contains a clear suggestion to the effect that even though the election propaganda had started on 14th of January 1971, as deposed by this witness, it was for the success of the Congress Party and not for any particular candidate. Further, the statement of this witness is corroborated by the evidence Ram Kumar Singh (P.W. 31). In the context of these circumstances, there does not appear any risk in relying on the testimony of Sri Uma Shankar Yadav Advocate, even though he is a partisan witness.

Sri Ram Kumar Singh (P.W. 42) deposed that on 14th of January 1971 a fleet of cars started under the leadership of Sri Yashpal Kapur, that the procession moved throughout the town and publicity was made that respondent no. 1 was contesting election, as she did on the previous occasion, and further that she should be made successful. In cross-examination a suggestion was made to him that there were no banners on the vehicles, showing "Indira Ji Ko vote do" and that the only propaganda being made was "Indira Congress Ko Jitao". The relevant portion of the statement reads as follows :—

"It is wrong to say that there was no banner on any of those vehicles, saying 'Indira Ji Ko vote do'. It is also wrong to say that the only propaganda being made was 'Indira Congress ko jitao'."

It will thus appear that in the cross-examination of Ram Kumar Singh as well, it was not put that the statement made by him regarding a fleet of cars having been taken out on 14th of January 1971 was false ab initio. The trend of the cross-examination, on the contrary, was that even though a fleet of cars or jeeps was taken out, the only propaganda done from those cars and jeeps was that 'Indira Congress' should be made successful and not that 'Indira Ji' herself should be made successful. That being the shape of cross-examination, there does not appear any good justification for refusing to accept the statement on oath made by Ram Kumar Singh.

Learned counsel for the respondent no. 1 no doubt urged that Ram Kumar Singh is a member of the Organisation Congress and that he worked for the respondent no. 1 in the election. True, it is so. The fact, however, remains that, with the shape of cross-examination done with Ram Kumar Singh, that circumstance is not sufficient to lead to the conclusion that the statement made by Ram Kumar Singh about the fleet of cars having been taken out in the town on 14th January 1971 under the leadership of Yashpal Kapur is a lie.

The petitioner also relied on the news item published in the issue dated 22-1-1971 of 'Swantra Bharat' (Ex. 39) in support of the fact that a fleet of cars had been taken out by Sri Yashpal Kapur on 14th of January 1971. Since, however, the person who reported the relevant news item has not been examined, it may not be very safe to act thereon even as a piece of corroborative evidence. I would accordingly not take that news item into consideration.

On the side of the respondent, there is the sole testimony of Sri Yashpal Kapur (R.W. 32), who said that he did not take out any fleet of cars in the town on the 14th January, 1971. I have, however, already discussed the evidence of Sri Yashpal Kapur in detail earlier and have concluded that he is not a reliable witness. I accordingly find that the evidence of Sri Yashpal Kapur fails to rebut the evidence of Sri Uma Shankar Yadav (P.W. 41) and Ram Kumar Singh (P.W. 42).

On the evidence of Sri Uma Shankar Yadav (P.W. 41) and Ram Kumar Singh (P.W. 42), it is borne out that a fleet of cars and jeeps was taken out in procession on 14th of January 1971 doing propaganda for the respondent no. 1 and Sri Yashpal Kapur was associated with it.

It is next alleged that on 17th of January 1971 an election meeting was held at the Clock Tower, Rae Bareilly, in which Sri Chandra Shekhar and Sri Yashpal Kapur (R.W. 32) participated. The oral evidence relied upon by the petitioner in that connection consists of the statements of Sri Ram Kumar Dixit alias Phakkar (P.W. 31) and Ram Kumar Singh (P.W. 42).

Ram Kumar Dixit alias Phakkar (P.W. 31), speaking on the point, deposed that Sri Yashpal Kapur was also present in the meeting, though he did not remember whether

he delivered any speech in that meeting or not. The witness further said that some excitement and shouting of slogans took place at the meeting and displeasure was expressed against Sri Yashpal Kapur in the slogans. He proved the news item (Exh. 69) contained in the issue of 'Beer Baiswara' dated 23rd January, 1971 pertaining to that meeting. He deposed that as a reporter of 'Beer Baiswara' he had himself sent the report about that news item. In the news item (Exh. 69) it is stated that disturbance was created in the election meeting of the respondent no. 1, held on 17th January 1971 at the crossing of the Clock Tower, Rae Bareilly, which was addressed by Sri Chandra Shekhar, when some young persons made some accusations against Sri Yashpal Kapur and shouted slogans against him. It is further reported in the news item that some counter slogans were also shouted thereafter. I have considered the statement made by Sri Ram Kumar Dixit earlier in connection with the speech delivered by Sri Yashpal Kapur at Munshiganj on 7-1-1971 and have come to the conclusion that he is a reliable witness. Further, the statement made by Sri Ram Kumar Dixit regarding the meeting that took place on 17th January 1971 is supported by the news item (Exh. 69), which was published in 'Beer Baiswara' on 23rd January 1969. Indeed, it cannot be said that this issue of 'Beer Baiswara' was prepared later on for the purposes of the election meeting. It may also be added at this place that the factum of an election meeting having taken place as deposed by Sri Ram Kumar Dixit was not seriously challenged on behalf of the respondent, as would appear from the following question that was put to Ram Kumar Dixit in cross-examination:

"I put it to you that this meeting was convened for the purpose of making a propaganda in favour of the Congress as a party."

This question contains a clear admission of the fact that a meeting did take place as alleged by the petitioner.

For all these reasons, I see absolutely no justification for refusing to act on the testimony of Ram Kumar Dixit alias Phakkar (P.W. 31).

Coming to the evidence of Ram Kumar Singh (P.W. 42), he deposed that an election meeting was convened at the Clock Tower in Rae Bareilly on 17th of January 1971 and that, when Sri Yashpal Kapur wanted to deliver a speech in that meeting, some disturbance was created by the students, as a result of which he could not do so and the meeting was then controlled by Sri Chandra Shekhar. Referring to the speech of Sri Chandra Shekhar, the witness said that he canvassed support for the respondent no. 1 in his speech. It is true that Ram Kumar Singh is a staunch worker of the Congress (O) Party and had also worked for the petitioner in the election that took place in 1971. In view, however, of the fact that the factum of the meeting is not seriously challenged on behalf of the respondent no. 1, as is apparent from the earlier-mentioned question put to R. K. Dixit (P.W. 31), and further in view of the fact that the evidence of Ram Kumar Singh is amply supported by the evidence of R. K. Dixit and the news item (Exh. 69) published in the issue of 'Beer Baiswara' dated 23rd January 1971, I see no risk in acting on the evidence of Ram Kumar Singh as well.

The respondent examined Shri Vimal Chand Dwivedi (R.W. 18) and Sri Yashpal Kapur (R.W. 32) in rebuttal, Sri Vimal Chand Dwivedi accepted that a meeting had taken place at the Clock Tower, Rae Bareilly, which was addressed by Sri Chandra Shekhar. He, however, added that Sri Yashpal Kapur was not present in that meeting. A perusal of his cross-examination, however, shows that he is not at all a truthful witness. He said that the meeting addressed by Sri Chandra Shekhar was not an election meeting. I have already shown earlier that the case put to Sri R. K. Dixit (P.W. 31) in cross-examination was that the meeting was an election meeting, though propaganda in that meeting was being done for the Congress as a party and not for any candidate. The statement to the contrary made by Sri Vimal Chand Dwivedi must, therefore, be rejected as incorrect. Again, Sri Dwivedi went to the extent of saying that Sri Yashpal Kapur did not visit Rae Bareilly on 7th January 1971, a fact admitted by Sri Yashpal Kapur himself. It was also elicited in his cross-examination that the brother of this witness is a lecturer in Feroz Gandhi College and Sri Yashpal Kapur is the Vice-President of the Managing Committee of that

College. It appears that he gave statement under that influence. The influence was so great that he went to the extent of denying even admitted facts, namely that Sri Yashpal Kapur visited Rae Bareilly on 7th of January 1971 with Shri Gulzari Lal Nanda. Obviously no reliance can be placed on the evidence of such a witness.

As for Sri Yashpal Kapur, I have already considered his evidence elaborately earlier and have not found him to be reliable witness.

There being no other evidence on the side of the respondent, the evidence of Sri R. K. Dixit (P.W. 31) and Ram Kumar Singh (P.W. 42) remains un rebutted. On the basis of that evidence I conclude that an election meeting of the respondent no. 1 was convened on 17th of January 1971 at the Clock Tower, Rae Bareilly, and that Sri Yashpal Kapur participated in that meeting.

It is next alleged that on 19th of January 1971 Professor Sher Singh, a Minister of State in the Government of India and Sri Yashpal Kapur addressed a meeting in village Nihasta and in those speeches they, inter alia, canvassed support for the candidature of the respondent no. 1. It is true that Raj Kishore Singh belongs to Jan Sangh Party and looked after the election work of the petitioner at Nihasta polling station. It is, however, significant to find that in the cross-examination of Raj Kishore Singh a question was put to him, which is as follows:—

"I suggest to you that Sri Yashpal Kapur only said that we should support the leadership of the respondent no. 1 and the Congress."

The above question implies a clear admission that Sri Yashpal Kapur was not only present with Professor Sher Singh when the latter addressed the meeting at Nihasta on 19th January 1971, but further that he also delivered a speech. All that was sought to be contended was that in the speech canvassing was done not for the respondent no. 1 but for the leadership of the respondent no. 1 and for the party. Now, once it is accepted that respondent no. 1 had given herself out as a candidate from Rae Bareilly on 29th December, 1970 even seeking support from the electorate for the leadership of the respondent or for the Congress as a party meant nothing except soliciting support for the respondent no. 1 in the constituency. Learned counsel for the respondent no. 1 argued that the above question does not contain any admission to the effect that Sri Yashpal Kapur was present at Nihasta on 19th January 1971 or that he delivered any speech whatsoever. Learned counsel submitted that the above quoted question was put because there was no means to know till that stage whether Sri Yashpal Kapur was actually present in the meeting or not. In other words, it was just a probing question. The explanation offered by learned counsel for the respondent no. 1 is not acceptable to me. Learned counsel for the respondent no. 1 had the advantage of being instructed by more than one pairkar. One of them, namely Sri Jagpat Dubey was always present by the side of the learned counsel. Further, Sri Yashpal Kapur was no other than the election agent of respondent no. 1. In the circumstances, the explanation sought to be given by learned counsel for the respondent appears to be mere after thought.

The only infirmity in the evidence of Raj Kishore Singh P.W. is that according to him Professor Sher Singh visited village Nihasta on 19th January, 1971, while according to the tour programme (Exh. 47) he should have visited that village on 18th January 1971. I cannot, however, ignore the fact that Raj Kishore Singh P.W. was examined as a witness in the case after a lapse of more than three years. Further, Professor Sher Singh was present within the district on both the dates. The mistake about the date in the statement of Raj Kishore Singh P.W. can therefore be due to lapse of time and consequent confusion in his mind. The evidence of Raj Kishore Singh cannot be discarded on that account.

I thus see no justification for refusing to act on the testimony of Raj Kishore Singh (P.W. 26).

In order to rebut the evidence of Raj Kishore Singh, the respondent no. 1 examined Jagannath Prasad (R. W. 16) and Krishna Dutta Pandey (R.W. 17).

Jagannath Prasad (R.W. 16) is a resident of village Nihasta. Krishna Dutta Pandey (R.W. 17) was Sub-Postmaster in the Sub Post Office, Nihasta during the year 1971. Both of them deposed that Professor Sher Singh visited village Nihasta

on 18th January 1971 to inaugurate the Telephone Exchange Section in the Sub Post Office. It was further stated by them that Sri Yashpal Kapur was not present at the said inaugural function. Their evidence cannot be accepted for the simple reason that it is inconsistent with the respondent No. 1's case, as was clearly put to Raj Kishore Singh (P.W. 26) in cross-examination. It appears that till quite a late stage the respondent no. 1 did not intend to deny the presence of Sri Yashpal Kapur in the function that took place at Nihasta in connection with the inauguration of the Telephone Exchange Section in the Sub Post Office, and that it was only when the respondent entered on her defence that it was decided to deny that fact. Indeed, it is never difficult for any party to find one or two witnesses to bolster up his case, whether it is true or false.

Therefore, placing reliance on the evidence of Raj Kishore Singh in performance to the evidence of Jagannath Prasad (R.W.16) and Krishna Dutta Pandey (R.W. 17), I hold that Shri Yashpal Kapur was present at Nihasta when Professor Sher Singh inaugurated the Telephone Exchange Section in the Sub Post Office there and that Sri Yashpal Kapur on that occasion delivered a speech, saying that the respondent no. 1 was to contest election from Rae Bareli and that people should support her.

It is next alleged that on 19th of January 1971 Professor Sher Singh and Sri Yashpal Kapur attended a meeting held in Lalganj and that at the said meeting Sri Yashpal Kapur said that respondent no. 1 would contest election from Rae Bareli constituency and that people should make her successful. The only evidence adduced by the petitioner in proof of the above fact is that of Sri Girish Narain Pandey (P.W.30). Sri Girish Narain Pandey, however, conceded in cross-examination that during the year 1971 he was a worker of the Jan Sangha Party and that during the year he was examined in Court he was a member of the Rashtriya Swayam Sewak. He further conceded that he actively supported the petitioner in the election and had worked for him as a counting agent as well as polling agent. He is, therefore, a partisan witness. There being no evidence to corroborate the evidence of Girish Narain Pandey, it will not be safe to place reliance on his testimony.

The respondent examined Abdul Jabbar (R. W. 25), Fateh Bahadur Singh (R. W. 26), Ishwar Chand (R. W. 27) and Ranjit Singh (R. W. 28) to rebut the evidence of Girish Narain Pandey. In view, however, of the fact that I have not considered it safe to place reliance on the solitary evidence of Girish Narain Pandey, it is needless to refer to the evidence of the aforesaid witnesses of the respondent no. 1 in any detail.

I accordingly find that the petitioner failed to prove that Sri Yashpal Kapur delivered any speech of the nature alleged at Lalganj on 16th of January 1971.

It is next alleged that on 19th of January 1971 inaugural function of the Telephone Exchange Section took place at Behta Kalan and in that connection Professor Sher, Singh, accompanied by Sri Yashpal Kapur visited village Behta Kalan. It is also alleged that on that occasion Sri Yashpal Kapur delivered a speech saying that the respondent no. 1 would contest election from Rae Bareli and that people should make her successful. The petitioner examined Pandit Sheshank Misra (P. W. 32), who made a Statement in support of the above said allegation.

Learned counsel for the respondent no.1 pointed out that the father of Pt. Sheshank Misra P. W. is a member of the Jan Sangh Working Committee, and that during the year 1971 he himself was polling agent for the petitioner. It is true that Pt. Sheshank Misra himself candidly accepted both the aforesaid facts during his cross-examination. It is, however, once again worthy of notice that in the case that was put to Pt. Sheshank Misra (P. W. 32) it appears to have been clearly conceded that Sri Yashpal Kapur was not only present at the inaugural function that took place at Behta Kalan on 19th January 1971 but that he also delivered some speech. This is apparent from the following questions put to him:—

"Q. I put it to you that the moment Sri Yashpal Kapur started speaking there was an excitement and uproar

as a result of which no person in the meeting could hear what was being said by Sri Yashpal Kapur.

A. It is wrong.

Q. I put it to you that Sri Yashpal Kapur did not say anything regarding the candidature of respondent No. 1, from Rae Bareli parliamentary constituency and that he made an appeal only for the help to be given to the Congress in general.

A. This is wrong."

Learned counsel for respondent No. 1 once again offered the same explanation for having put these questions as were given in connection with the suggestion that was made to Raj Kishore Singh (P.W.26) in cross-examination. I have already said at that stage that the explanation is not at all well founded. I have the same reply to give to the explanation sought to be given by learned counsel for the respondent No. 1 in regard to the above-quoted questions put to Pt. Sheshank Misra. In that view of the matter, it has to be accepted that Sri Yashpal Kapur was present at Behta Kalan on 19th of January 1971 when Professor Sher Singh inaugurated the Telephone Exchange Section there, and that he delivered an election speech on that occasion. In view of my finding earlier that by that time the respondent No. 1 had held herself out as a candidate from Rae Bareli parliamentary constituency, it follows that in the election speech delivered by Sri Yashpal Kapur he should have solicited support for the respondent no. 1 as deposed by Pt. Sheshank Misra.

The respondent no. 1 examined Shida Bux Singh (R.W. 14) and Raghubans Bahadur Singh (R.W. 15) in order to rebut the evidence of Sheshank Misra. One of the reasons why the respondent no. 1 chose to examine these persons in his defence, presumably, was that Sheshank Misra P.W. had filed a notice (Exh. 74), said to have been issued to the public in regard to the meetings that took place at Behta Kalan on 19th January 1971. This notice, inter alia, mentioned that Sri Yashpal Kapur, Private Secretary of the Prime Minister, shall also be present on the occasion. The notice was issued under the signatures of Shitla Bux Singh and Raghubans Bahadur Singh R. Ws. besides Gupta Singh, M.L.A. Both these witnesses deposed that Professor Sher Singh inaugurated Telephone Exchange at Behta Kalan on 19th January 1971. They, however, denied the presence of Sri Yashpal Kapur on that occasion. In view, however, of the clear case that was put to Sheshank Misra in cross-examination admitting the presence of Sri Yashpal Kapur in the function that took place at Behta Kalan on 19th January 1971, no reliance can be placed on the statement of Shitla Bux Singh and Raghubans Bahadur Singh R.Ws. denying his presence in that function.

I accordingly find that Sri Yashpal Kapur did deliver a speech at Behta Kalan on 19th January 1971 wherein he solicited support for the candidature of the respondent no. 1 in the election.

The last allegation is that on 18th of January 1971 Professor Sher Singh laid the foundation stone of the new building of the Post Office at Rae Bareli and in the function held there Sri Yashpal Kapur delivered a speech canvassing support for the respondent no. 1. The only evidence relied upon by the petitioner in that connection is that of Uma Shanker Yadav (P.W. 41). A perusal of his statement would show that while he deposed about the foundation-stone laying ceremony of the Post Office building at Rae Bareli by professor Sher Singh, he did not depose either about the presence of Sri Yashpal Kapur at that function or about any speech having been delivered by him. It will thus follow that there is no evidence on the side of the petitioner in support of that allegation and that allegation is accordingly not proved.

The period from 25th of January to 6th of February 1971.

Learned counsel for the petitioner urged that unless an order accepting the resignation is communicated to the Government servant concerned the resignation does not take effect. Learned counsel further urged that it is not disputed even to the respondent that Sri Yashpal Kapur had started doing election work for her with effect from 1st of Feb-

ruary 1971. It was urged that the resignation of Sri Yashpal Kapur having been Gazetted on 6th of February 1971, it should be inferred that it was communicated to Sri Yashpal Kapur on that date and it was on the same date that it took effect. On this reasoning learned counsel urged that the act of the respondent no. 1 in obtaining the assistance of Sri Yashpal Kapur between 1st of February 1971 and 6th of February 1971 shall also constitute a corrupt practice under section 123(7) on the Representation of the People Act.

I have, however, already held on the basis of the decision of the Supreme Court in case Raj Kumar v. Union of India (A.I.R. 1969 Supreme Court 180) that a resignation takes effect on the date it is accepted and that its formal communication to the Government servant concerned is not necessary. As also stated earlier, the order accepting the resignation of Sri Yashpal Kapur was passed on 25th of January 1971, as is apparent from the Gazette notification. Sri Yashpal Kapur, therefore, ceased to be a Government servant with effect from that date. Consequently, on the basis of anything done by Sri Yashpal Kapur for the respondent no. 1 during the period between 25th of January 1971 and 6th of February 1971, the respondent no. 1 cannot be held guilty of having committed a corrupt practice.

My conclusion, therefore, on Issue No. 1 (first set) read with Issue No. 1 (of the additional issues) is that the respondent no. 1 obtained and procured the assistance of Sri Yashpal Kapur during the period from 7th of January 1971 to 24th of January 1971 in furtherance of her election prospects, when Sri Yashpal Kapur was still a Gazetted Officer in the service of the Government of India holding the post of Officer on Special Duty in the Prime Minister's secretariat; and the respondent no. 1 is hereby guilty of the commission of a corrupt practice under section 123(7) of the Act.

#### ORDER

##### Election Petition :

In view of my findings on Issue No. 3 (first set) Issue No. 1 (first set read with additional Issue No. 1, additional Issue No.2 and additional Issue No.3 this petition is allowed and election of Shrimati Indra Nehru Gandhi respondent No. 1. to the Lok Sabha is declared void.

The respondent no.1 has been found guilty of having committed a corrupt practice under section 123 (7) of the Representation of the People Act by having obtained the assistance of the Gazetted Officers of the State Government of U. P. viz. the District Magistrate, Rae Bareilly, the Superintendent of Police, Rae Bareilly, the Executive Engineer, P. W. D., Rae Bareilly, Engineer, Hydel Department, Rae Bareilly, in furtherance of her election prospects in the manner indicated in my finding on Issue No. 2. She has further been found guilty of having committed another corrupt practice under section 123(7) of the Representation of the people Act by having obtained the assistance of Sri Yashpal Kapur, a Gazetted Officer in the Government of India, holding the post of Officer on Special Duty in the Prime Minister's Secretariat, for the furtherance of her election prospects in the manner indicated in my finding on Issue No. 1 read with Additional Issue No. 1. The respondent no. 1 accordingly stands disqualified for a period of six years from the date of this order as provided in section 8A the Representation of the People Act.

The petitioner shall get his costs of the election petition from the respondent no. 1. A table of costs shall be prepared by the office in accordance with rule 30 Chapter XV of the Rules of Court.

##### Writ Petition :

As already pointed out while recording my finding on Issue No. 9, the petitioner has not been able to lay any foundation on facts to compel an inquiry into the constitutionality of the Representation of the People (Amendment) Ordinance 1974 (No. XIII of 1974) or that of the Representation of the People (Amendment Act 1974). (Act No. 58 of 1974). The writ petition No. 3761 of 1975 is accordingly rejected. The parties shall bear their own costs in the writ petition.

Sd/ JAGMOHAN L. SINHA,

[No. 82/5/of 1971/UP-HP/75]

Sd/ JAGMOHAN L. SINGH.

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

आय-कर

नई दिल्ली, 31 मई, 1975

क्र० प्र० 2169.—अधिसूचना सं० 340 (फा० सं० 404/130/73-आई०टी०सी०सी०) तारीख 30 अप्रैल, 1973 के अधीन श्री आर०एम०निगम की कर वसूली अधिकारी के रूप में की गई नियुक्ति 1 जून, 1975 से रद्द की जाती है।

[सं० 926(फा०सं० 404/104/75-आई०टी०सी०सी०)]

#### MINISTRY OF FINANCE

(Department of Revenue and Insurance)

#### INCOME TAX

New Delhi, the 31st May, 1975

S.O. 2169.—The appointment of Shri R. S. Nigam as Tax Recovery Officer made under Notification No. 340 (F. No. 404/130/73-ITCC) dated the 30th April, 1973, is hereby cancelled with effect from the 1st June, 1975.

[No. 926 (F. No. 404/104/75-ITCC)]

क्र० प्र० 2170.—अधिसूचना सं० 902 (फा० सं० 404/85/75-आई०टी०सी०सी०) तारीख 16 मई, 1975 का प्राधिकरण रद्द किया जाता है, जिससे वह 19 मई, 1975 की वाज्य 2 जून, 1975 को प्रवृत्त होगी।

2. यह अधिसूचना 2 जून, 1975 को प्रवृत्त होगी।

[फा० सं० 928(फा० सं० 404/85/75-आई०टी०सी०सी०)]

टी० आर० अग्रवाल, उप सचिव

#### ORDER

S.O. 2170.—Notification No. 902 (F. No. 404/85/75-ITCC) dated the 16th May, 1975 is partially modified in as much as it shall come into force with effect from the 2nd June, 1975 instead of 19th May, 1975.

2. This Notification shall come into force with effect from the 2nd June, 1975.

[F. No. 928 (F. No. 404/85/75-ITCC)]

बीमा

नई दिल्ली, 1 जुलाई 1975

क्र० प्र० 2171.—बीमा नियम, 1939 को और संशोधित करने के लिए कतिपय नियमों का निम्नलिखित प्रारूप जिसे केन्द्रीय सरकार बीमा अधिनियम, 1938 (1938 का 4) की धारा 114 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए बनाने की प्रस्थापना करती है, उक्त धारा की उपधारा (1) की प्रोश्नानुसार उन सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता जिनके उससे प्रभावित होने की संभावना है। इस अधिसूचना के राजपत्र में प्रकाशित होने के साठवें दिन या उसके पश्चात् उक्त प्रारूप पर केन्द्रीय सरकार विचार करेगी।

प्रारूप

1. इन नियमों का नाम बीमा (संशोधन) नियम, 1975 है।

2. बीमा नियम 1939 के नियम 12 में उपनियम (1) के स्थान पर निम्नलिखित नियम रखा जाएगा, अर्थात्—

(1) (क) जीवन बीमा की वशा में प्रत्येक प्रस्थापना प्ररूप में, या

(ख) बीमा की किसी अन्य वशा में संविदा के आधारभूत प्रलेख में यदि कोई हो ; —

यह स्पष्टतः उपरिर्णित किया जाएगा—

कि प्रीमियम रिबेट प्रीमियम वरों की विवरण पत्रिका या सारणी में दिये गये व्यौरों के अनुसार ही अनुज्ञात किया जायेगा और यह कि किसी अन्य प्रकार के रिबेट के लिये प्रस्ताव या प्रतिग्रहण अधिनियम की धारा 41 के के अधीन अपराध माना जायेगा।”

[फा० सं० 81(12)-बीमा 2/74]

(Insurance)

New Delhi, the 1st July, 1975

S.O. 2171.—The following draft of rules further to amend the Insurance Rules, 1939, which the Central Government proposes to make in exercise of the powers conferred by section 114 of the Insurance Act, 1938 (4 of 1938), is published, as required by sub-section (1) of the said section, for the information of all persons likely to be affected thereby and notice is hereby given that the draft will be taken into consideration by the Central Government on or after 60 days from the date of its publication in the Official Gazette.

Any objections or suggestions which may be received from any person with respect to the draft on or before the date so specified will be considered by the Central Government.

Draft

1. These rules may be called the Insurance (Amendment) Rules, 1975.

2. In rule 12 of the Insurance Rules, 1939, for sub-rule (1), the following sub-rule shall be substituted, namely:—

“(1) It shall be clearly indicated —

(a) in every proposal form in the case of life insurance; or

(b) in the document, if any, forming the basis of the contract in the case of any other form of insurance.

that rebate of premiums shall be allowed only in accordance with the details given in the prospectus or table of premium rates and that an offer or acceptance of any other rebate shall be an offence under section 41 of the Act.”.

[F. No. 81 (12)-Ins. II/74]

फा० सं० 2172.—भारत के राजपत्र भाग 2, खण्ड 3 उपखण्ड (2) में तारीख 28 दिसम्बर, 1974 को प्रकाशित अधिसूचना सं० फा० सं० 3388 तारीख, 17 दिसम्बर, 1974 रद्द की जाती है।

[फा० सं० 81 (12)-बीमा-2/74]

भार० के० महाजन, निदेशक

S.O. 2172.—The notification No. S.O. 3388 dated the 17th December, 1974 published in Part II Section 3 Sub-section (ii) of the Gazette of India dated the 28th December, 1974 is hereby cancelled.

[F. No. 81 (12)-Ins. II/74]

R. K. MAHAJAN, Director.

सीमा शुल्क

नई दिल्ली, 3 जुलाई, 1975

फा० सं० 2173.—सीमा-शुल्क अधिनियम, 1962 (1962 का 52) की धारा 7 के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और भारत सरकार के वित्त मन्त्रालय (राजस्व और बीमा विभाग) की अधिसूचना—

(i) सं० 60/70-सीमा-शुल्क, तारीख 4 जुलाई, 1970,

(ii) सं० 55/72-सीमा-शुल्क, तारीख 15 अप्रैल, 1972, और

(iii) सं० 57/74-सीमा-शुल्क, 6 जुलाई, 1974, को

अधिकांश करते हुए, केन्द्रीय सरकार, नीचे की सारणी के स्तम्भ 1 में वर्णित विमान पत्रनों को उक्त सारणी के स्तम्भ 2 में की तत्संबंधी प्रविष्टि में विनिर्दिष्ट प्रयोजनों के लिए सीमा-शुल्क विमान पत्रन नियत करती है।

सारणी

विमान पत्रन	प्रयोजन
1	2
1. भ्रमदाबाद और जयपुर	(क) आयातित माल, अर्थात्, कोरे बहुमूल्य और अल्पमूल्य रत्नों का उतारा जाना; और
	(ख) निर्यात माल का लादान, अर्थात्:—
	(i) हस्तशिल्पों, जिसमें हाथकरवा और रेशम की बनी वस्तुएं भी सम्मिलित हैं,
	(ii) बहुमूल्य और अल्पमूल्य कठित रत्नों (कट स्टोन) और
	(iii) बहुमूल्य और अल्पमूल्य रत्नों सहित आभूषण सेट,
2. श्रीनगर और वाराणसी	निर्यात माल का अर्थात् हस्तशिल्पों, जिसमें हाथकरवा और रेशम की बनी वस्तुएं भी सम्मिलित हैं, लादान,
3. बंगलौर	निर्यात माल का लादान, अर्थात्:—
	(i) हस्तशिल्पों, जिसमें हाथकरवा और रेशम की बनी वस्तुएं भी सम्मिलित हैं,
	(ii) घन्टन का तेल
	(iii) अर्गवस्तियां,
	(iv) टेलीफोन उपस्कर,
	(v) बेमानिक उपस्कर, और
	(vi) बिद्युत द्यूबें, बाल्व और ट्रांसिस्टर।

[सं० 75/75-सीमा-शुल्क/फा० सं० 481/23/75-सीमा-शुल्क-7]

डी० सरूप, अवर सचिव

## CUSTOMS

New Delhi, 3rd July, 1975

S. O. 2173.—In exercise of the powers conferred by clause (a) of section 7 of the Customs Act, 1962 (52 of 1962), and in supersession of the notifications of the Government of India in the Ministry of Finance (Department of Revenue and Insurance).

- (i) No.60/70-Customs dated the 4th July, 1970,
- (ii) No.55/72-Customs dated the 15th April, 1972, and
- (iii) No.57/74-Customs dated 6th July, 1974,

the Central Government hereby appoints the airports mentioned in column 1 of the Table below as customs airports for the purposes specified in the corresponding entry in column 2 of the said Table.

TABLE

Airports	Purposes
1	2
1. Ahmedabad and Jaipur	(a) The unloading of imported goods, namely, rough precious and semi-precious stones; and (b) the loading of export goods, namely :— (i) handicrafts, including handloom and silk manufactures, (ii) cut precious and semi-precious stones, and (iii) jewellery set with precious and semi-precious stones.
2. Srinagar and Varanasi	The loading of export goods, namely, handicrafts, including handloom and silk manufactures.
3. Bangalore	The loading of export goods, namely :— (i) handicrafts, including handloom and silk manufactures, (ii) Sandalwood oil, (iii) Agarbatties, (iv) Telephonic equipment (v) Aeronautical equipment, and (vi) Electronic Tubes, Valves and Transistors.

[No. 75/75-Customs/F.No. 481/23/75-Cus. VII]

D. SARUP, Under Secy.

बैंकिंग विभाग

नई दिल्ली, 7 जून, 1975

का० प्रा० 2174.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा यह घोषणा करती है कि उक्त अधिनियम की धारा 10 की उपधारा (1) के अनुच्छेद (ग) की उपधारा (1) के उपबन्ध इस अधिसूचना के जारी होने की तारीख से एक वर्ष की अवधि तक के लिए सिटीकेट बैंक पर वहाँ तक लागू नहीं होंगे जहाँ तक कि वे उसके अध्यक्ष और प्रबंध निदेशक श्री के०के० पी के कर्नाटक लघु उद्योग विकास निगम लिमिटेड, बंगलूर के निदेशक बनने का इस आधार पर प्रतिषेध करते हैं कि वह,

कम्पनी अधिनियम 1956 (1956 का 1) के अन्तर्गत एक रजिस्टर्ड कम्पनी है।

[सं० 15(24)-बी०ओ० 3/75]

(Department of Banking)

New Delhi, the 7th June, 1975

S.O. 2174.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-clause (i) of clause (c) of sub-section (i) of section 10 of the said Act shall not apply to Syndicate Bank, for a period of one year from the date of this notification, in so far as the said provisions prohibit Shri K. K. Pai, its Chairman and Managing Director, from being a director of the Karnataka Small Industries Development Corporation Ltd., Bangalore, being company registered under the Companies Act, 1956 (1 of 1956).

[F. No. 15(24)-B.O.III/75]

नई दिल्ली, 12 जून, 1975

का० प्रा० 2175.—सरकारी स्थान (अप्राधिकृत भूमियों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के मोहदे के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा प्रथवा उसके अन्तर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा प्रथवा उसके अन्तर्गत सीधे गये कार्य करने होंगे।

सारणी

अधिकारी का पद/नाम	सरकारी स्थानों की श्रेणियाँ और अन्तर्गत अधिकार की स्थानीय सीमाएं
(1)	(2)

प्रमिसेस अधिकारी, स्टेट बैंक आफ पश्चिम बंगाल, अराम, मणिपुर, त्रिपुरा इंडिया, कलकत्ता।

और उड़ीसा राज्यों में तथा संघीय राज्य क्षेत्र अण्डमान और निकोबार द्वीप समूह में स्टेट बैंक आफ इंडिया के स्थान प्रथवा उसके द्वारा प्रथवा उसकी ओर से पट्टे पर लिये गये प्रथवा अधिग्रहीत स्थान।

प्रमिसेस अधिकारी, स्टेट बैंक आफ बिहार राज्य में स्टेट बैंक आफ इंडिया के स्थान प्रथवा उसके द्वारा प्रथवा उसकी ओर से पट्टे पर लिये गये प्रथवा अधिग्रहीत स्थान।

प्रमिसेस अधिकारी, स्टेट बैंक आफ महाराष्ट्र राज्य और गोवा में स्टेट बैंक आफ इंडिया के स्थान प्रथवा उसके द्वारा प्रथवा उसकी ओर से पट्टे पर लिये गये प्रथवा अधिग्रहीत स्थान।



1	2	(1)	(2)
प्रेमिसेस अधिकारी, स्टेट बैंक आफ इंडिया, मद्रास।	तमिलनाडु, कर्नाटक और केरल तथा संघीय राज्य क्षेत्र पांडिचेरी में स्टेट बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Premises Officer, State Bank of India, Patna.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the State of Bihar.
प्रेमिसेस अधिकारी, स्टेट बैंक आफ इंडिया, नई दिल्ली।	जम्मू और कश्मीर, पंजाब, हरियाणा, राजस्थान और हिमाचल प्रदेश तथा संघीय राज्य क्षेत्र दिल्ली में स्टेट बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान।	Premises Officer, State Bank of India, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the State of Maharashtra and in Goa.
प्रेमिसेस अधिकारी, स्टेट बैंक आफ इंडिया, कानपुर।	उत्तर प्रदेश राज्य में स्टेट बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Premises Officer, State Bank of India, Madras.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the States of Tamil Nadu, Karnataka and Kerala and the Union Territory of Pondicherry.
प्रेमिसेस अधिकारी, स्टेट बैंक आफ इंडिया, अहमदाबाद।	गुजरात राज्य में और वमन में स्टेट बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Premises Officer, State Bank of India, New Delhi.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the State of Jammu and Kashmir, Punjab, Haryana, Rajasthan and Himachal Pradesh and the Union Territory of Delhi.
प्रेमिसेस अधिकारी, स्टेट बैंक आफ इंडिया, भोपाल।	मध्य प्रदेश राज्य में स्टेट बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Premises Officer, State Bank of India, Kanpur.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the State of Uttar Pradesh.
प्रेमिसेस अधिकारी, स्टेट बैंक आफ इंडिया, हैदराबाद।	आंध्र प्रदेश राज्य में स्टेट बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Premises Officer, States Bank of India, Ahmedabad.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the States of Gujarat and in Daman.
		Premises Officer, State Bank of India, Bhopal.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the State of Madhya Pradesh.
		Premises Officer, State Bank of India, Hyderabad.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the State of Andhra Pradesh.

[No. 7 (9)-B.O. III/74]

[सं० 7(9) बी०ओ० 3/74]

New Delhi, the 12th June, 1975

S.O. 2175.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoint the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Premises Officer, State Bank of India, Calcutta.	Premises belonging to or taken on lease or requisitioned by or on behalf of the State Bank of India in the States of West Bengal, Assam, Manipur, Tripura and Orissa and the Union Territory of Andaman and Nicobar Islands.

का० प्र० 2176.—सरकारी स्थान (अनाधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एन०ओ० द्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राज-पत्रित अधिकारी के श्रेणी के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अन्तर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अन्तर्गत दीये गये कार्य करने होंगे।

## सारणी

अधिकारी का नाम	सरकारी स्थानों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएँ
(1)	(2)
क्षेत्रीय प्रबन्धक, इंडियन ओवरसीज बैंक, मेकर भवन 2, पहली मंजिल, न्यू मेरीन लाइंस, बम्बई-20।	इंडियन ओवरसीज बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।



(1)	(2)
क्षेत्रीय प्रबन्धक, इंडियन ओवरसीज बैंक, प्लॉट 101 और 102 पहली मंजिल, रोहित हाउस, 3 टॉल्स्टॉय मार्ग, नई दिल्ली-1	इंडियन ओवरसीज बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, इंडियन ओवरसीज बैंक, एस० बी० आई० 1091-1093 कोट्टुकुलम रोड, कोचीन, केरल राज्य।	इंडियन ओवरसीज बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान।

[सं० 7(9) बी०ओ० 3/74]

S.O. 2176.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Regional Manager, Indian Overseas Bank, Maker Bhavan II, 1 Floor, New Marine Lines, Bombay-20.	Premises belonging to or taken on lease or requisitioned by or on behalf of Indian Overseas Bank in Bombay.
Regional Manager, Indian Overseas Bank, Flat No. 101 & 102, First Floor, Rohit House, 3, Tolstoy Marg, New Delhi-1.	Premises belonging to or taken on lease or requisitioned by or on behalf of Indian Overseas Bank in New Delhi.
Manager, Indian Overseas Bank, S-VI-1091-1093, Kottukulam Road, Cochin, Kerala State.	Premises belonging to or taken on lease or requisitioned by or on behalf of Indian Overseas Bank in Cochin.

[No. 7(9)-B : O III/74]

का० आ० 2177.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के अहोहृदे के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत संपि गये कार्य करने होंगे।

सारणी

अधिकारी का पदनाम	स्थानों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
प्रबन्धक, प्रेमिसेस एण्ड वेड स्टॉक डिपार्ट-मेंट, स्टेट बैंक आफ मैसूर, हेड आफिस, बंगलौर।	कर्नाटक, केरल, तमिलनाडु, आंध्र प्रदेश, महाराष्ट्र, पश्चिम बंगाल राज्यों में और मंचीय राज्य क्षेत्रों दिल्ली तथा गोआ, दमण और दीव में स्टेट बैंक

(1)	(2)
	आफ मैसूर के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान।

[सं० 7(9) बी०ओ० 3/74]

S.O.2177—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being the officer equivalent to the rank of a gazetted officer of Government, to be an estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Manager, Premises and Dead Stock Department, State Bank of Mysore, Head Office, Bangalore.	Premises belonging to or taken on lease or requisitioned by or on behalf of State Bank of Mysore, in the states of Karnataka, Kerala, Tamilnadu, Andhra Pradesh, Maharashtra, West Bengal and the Union Territories of Delhi and Goa, Daman and Diu.

[No. 7(9)-B : O III/74]

का० आ० 2178.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के अहोहृदे के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत संपि गये कार्य करने होंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)

उपमहा प्रबन्धक (प्रशासन) सारे भारत में यूनाइटेड बैंक आफ महाप्रबन्धक लेखा इंडिया के स्थान अथवा उसके द्वारा अथवा और मुख्य इंजीनियर और उसकी ओर से पट्टे पर लिये गये प्रबन्धक एस्टेट विभाग, मुख्य अथवा अधिग्रहीत स्थान। कार्यालय, यूनाइटेड बैंक आफ इंडिया, कलकत्ता।

TABLE

(1)	(2)	Designation of the officer	Categories of public premises and local limits of jurisdiction
		(1)	(2)
क्षेत्रीय प्रबन्धक, कलकत्ता क्षेत्र II, यूनाइटेड बैंक आफ इंडिया।	ग्रोल्ड कोर्ट हाउस स्ट्रीट शाखा, कलकत्ता शाखा, एन० एस० रोड शाखा, धरमतल्ला शाखा, कालेज स्ट्रीट शाखा और रायल एक्सचेंज शाखा को छोड़कर बाकी सभी शाखाओं द्वारा कलकत्ता तथा बिहार और उड़ीसा राज्यों में यूनाइटेड बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Deputy General Manager, (Admn), Assistant General Manager (Accounts) and Chief Engineer & Manager, Estate Department, Head office, United Bank of India, Calcutta.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India throughout India.
क्षेत्रीय प्रबन्धक, पश्चिम बंगाल क्षेत्र, यूनाइटेड बैंक आफ इंडिया।	पश्चिम बंगाल और त्रिपुरा राज्यों में यूनाइटेड बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Regional Manager, Calcutta Region-II, United Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India in all Calcutta Branches except Old Court House Street Branch, Calcutta Branch, N.S. Road Branch, Dharamtala Branch, College Street Branch and Royal Exchange Branch as also the branches in the States of Bihar and Orissa.
क्षेत्रीय प्रबन्धक, महाराष्ट्र और गुजरात, यूनाइटेड बैंक आफ इंडिया।	महाराष्ट्र, गुजरात, तमिलनाडु और कर्नाटक राज्यों में यूनाइटेड बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Regional Manager, West Bengal, Region, United Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India in the State of West Bengal and Tripura.
क्षेत्रीय प्रबन्धक, उत्तर भारतीय क्षेत्र, यूनाइटेड बैंक आफ इंडिया।	उत्तर प्रदेश, पंजाब, हरयाणा और राजस्थान राज्यों में और संघीय राज्य क्षेत्र दिल्ली में यूनाइटेड बैंक आफ इंडिया के स्थान पर अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान।	Regional Manager, Maharashtra and Gujarat United Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India in the States of Maharashtra, Gujarat, Tamil Nadu and Karnataka.
क्षेत्रीय प्रबन्धक, असम और मेघालय, यूनाइटेड बैंक आफ इंडिया।	असम और मेघालय राज्यों में यूनाइटेड बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Regional Manager, North India Region, United Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India in the States of Uttar Pradesh, Punjab, Haryana and Rajasthan and the Union Territory of Delhi.
क्षेत्रीय प्रबन्धक, असम और मेघालय, यूनाइटेड बैंक आफ इंडिया।	असम और मेघालय राज्यों में यूनाइटेड बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Regional Manager, Assam and Meghalaya, United Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India in the States of Assam and Meghalaya.
क्षेत्रीय प्रबन्धक, कलकत्ता क्षेत्र-1, यूनाइटेड बैंक आफ इंडिया।	यूनाइटेड बैंक आफ इंडिया की कलकत्ता शाखा, एन० एस० रोड शाखा, रायल एक्सचेंज शाखा, धरमतल्ला शाखा, कालेज स्ट्रीट शाखा और ग्रोल्ड कोर्ट हाउस स्ट्रीट शाखा के स्थान अथवा उनके द्वारा अथवा यूनाइटेड बैंक आफ इंडिया की ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।	Regional Manager, Calcutta Region-I, United Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of the United Bank of India by Calcutta Branch, N.S. Road Branch, Royal Exchange Branch, Dharamtala Branch, College Street Branch and Old Court House Street Branch.

[No. 7 (9) B. O. III/74]

[सं० 7(9) बी० ओ० 3/74]

S. O. 2178.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officers of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

का० प्रा० 2179.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के श्रेणियों के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
उपमहा प्रबन्धक और मुख्य वृहत्तर बम्बई, में, देना बैंक के स्थान लेखाकार तथा सहायक महा प्रबन्धक (सम्पत्ति विभाग) से पट्टे पर लिये गये अथवा अधि- देना बैंक, बम्बई ।	ग्रहीत स्थान ।

[सं० 7(9) बी० ओ० 3/-74]

S. O. 2179.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Deputy General Manager and Chief Accountant and Assistant General Manager (Property Department) Dena Bank, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of Dena Bank in Greater Bombay.

[No. 7(9)-B.O. III/74]

का० आ० 2180.— सरकारी स्थान (अप्राधिकृत भोगियों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के ग्रहोदे के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इस अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा उसके अंतर्गत प्रवर्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे ।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां और क्षेत्राधिकार की स्थानीय सीमाएं ।
(1)	(2)

विधि अधिकारी, इलाहाबाद बैंक, असम, पश्चिम बंगाल, नागालैण्ड, मेघा- मुख्य कार्यालय, 14 इंडिया लय और उड़ीसा के राज्यों में, इलाहा-

(1)	(2)
इंडियन एक्स्प्रेस प्लेस, कलकत्ता-1	बाद बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए अथवा अधिग्रहीत स्थान ।
क्षेत्रीय प्रबन्धक, इलाहाबाद बैंक, क्षेत्रीय कार्यालय, 14, इंडिया क्षेत्रीय कार्यालय, 14, इंडियन प्लेस, कलकत्ता-1	असम, पश्चिम बंगाल, नागालैण्ड मेघालय और उड़ीसा के राज्यों में इलाहाबाद बैंक उड़ीसा के राज्यों में इलाहाबाद बैंक के स्थान पर अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान ।
क्षेत्रीय प्रबन्धक, इलाहाबाद बैंक, क्षेत्रीय कार्यालय, पटना, गया रोड, पटना, बिहार ।	बिहार राज्य में इलाहाबाद बैंक के अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान ।
क्षेत्रीय प्रबन्धक, इलाहाबाद बैंक, क्षेत्रीय कार्यालय, इलाहाबाद, उत्तर प्रश ।	उत्तर प्रदेश राज्य के वाराणसी, मिर्जापुर गाजीपुर, बलिया, गोरखपुर, झांसी, हमीरपुर और बांदा जिले में इलाहा, बाद बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान ।
सहायक महाप्रबन्धक, इलाहाबाद बैंक, क्षेत्रीय कार्यालय, पार्क रोड, लखनऊ-1 उत्तर प्रदेश ।	उत्तर प्रदेश में वेहरावून, मेरठ, मुजफ्फर- नगर, बुलंदशहर, बरेली, मुराबाद, शाहजहाँपुर, अलीगढ़, आगरा, मथुरा, नैनीताल, लखनऊ उन्नाव, राय बरेली, सीतापुर, हरदोई, खेरी, फैजाबाद, गोंडा, बहराइच, फर्रुखाबाद, इटावा, कानपुर, जिलों में इलाहाबाद बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान ।
क्षेत्रीय प्रबन्धक, इलाहाबाद बैंक, 10, पालियामेंट स्ट्रीट, नई दिल्ली ।	पंजाब, हरयाणा और राजस्थान तथा संघीय राज्य क्षेत्र दिल्ली और चण्डी- गढ़ में इलाहाबाद बैंक के स्थान अथवा उसके द्वारा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान ।
क्षेत्रीय प्रबन्धक, इलाहाबाद बैंक, क्षेत्रीय कार्यालय, ई-1/74, अरेरा कालोनी, भोपाल-14 ।	मध्य प्रदेश राज्य में इलाहाबाद बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान ।
क्षेत्रीय प्रबन्धक, इलाहाबाद बैंक, 18 पेड्डेर रोड, बम्बई-26 ।	महाराष्ट्र, गुजरात, केरल, तमिलनाडु, आंध्र प्रदेश और कर्नाटक में इलाहाबाद बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गये अथवा अधिग्रहीत स्थान ।

[सं० 7(9) बी० ओ० 3/74]

S. O. 2180.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government,

to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Law Officer, Allahabad Bank, Head Office, 14, India Exchange Place, Calcutta-1.	Premises belonging to or taken on lease, or requisitioned by or on behalf of the Allahabad Bank in the States of Assam, West Bengal, Nagaland, Meghalaya and Orissa.
The Regional Manager, Allahabad Bank Regional Office, 14, India Exchange Place, Calcutta-1.	Premises belonging to, or taken on lease, or requisitioned by or on behalf of the Allahabad Bank in the States of Assam, West Bengal, Nagaland, Meghalaya, and Orissa.
The Regional Manager, Allahabad Bank, Regional Office, Patna-Gaya Road, Patna, Bihar.	Premises belonging to, or taken on lease, or requisitioned by or on behalf of the Allahabad Bank in the State of Bihar.
The Regional Manager, Allahabad Bank, Regional Office, Allahabad, Uttar Pradesh.	Premises belonging to, or taken on lease or requisitioned by or on behalf of the Allahabad Bank in the districts of Varanasi, Mirzapur, Ghazipur, Ballia, Gorakhpur, Deoria, Azamgarh, Allahabad, Fatehpur, Jhansi, Jalaun, Hamirpur and Banda in the State of Uttar Pradesh.
The Asst. General Manager, Allahabad Bank, Regional Office, Park Road, Lucknow-1, Uttar Pradesh.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Allahabad Bank in the districts of Dehradun, Meerut, Muzaffarnagar, Bulandshahr, Bareilly, Moradabad, Shahjahanpur, Aligarh, Agra, Mathura, Nainital, Lucknow, Unnao, Rai Bareilly, Sitapur, Hardoi, Kheri, Faizabad, Gonda, Bahraich, Farukhabad, Etawah and Kanpur in the State of Uttar Pradesh.
The Regional Manager, Allahabad Bank, 10-Parliament Street, New Delhi.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Allahabad Bank in the States of Punjab Haryana and Rajasthan and the Union Territories of Delhi and Chandigarh.
The Regional Manager, Allahabad Bank, Regional Office, E-1/74, Area Colony, Bhopal-14.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Allahabad Bank in the State of Madhya Pradesh.
The Regional Manager, Allahabad Bank, 18-Pedder Road, Bombay-26.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Allahabad Bank in the States of Maharashtra, Gujarat, Kerala, Tamil Nadu, Andhra Pradesh and Karnataka.

[No. 7(9)-B.O.III/74]

का० प्र० 2181.—सरकारी स्थान (अप्राधिकृत भोगियों को बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में लिखित

अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के बोर्ड के द्वारा के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, बम्बई।	महाराष्ट्र, गुजरात और मध्य प्रदेश राज्यों में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, मद्रास।	तमिल नाडु राज्य में और संघीय राज्य क्षेत्र पांडिचेरी में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, कलकत्ता।	पश्चिमी बंगाल, बिहार और उड़ीसा राज्यों में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, दिल्ली।	पंजाब हरयाणा और राजस्थान राज्यों में और संघीय राज्य क्षेत्र जम्मू और कश्मीर दिल्ली में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रभागीय प्रबन्धक, केनारा बैंक, मुख्य कार्यालय, बंगलौर।	कर्नाटक राज्य में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, कालीकट।	केरल राज्य में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, हैदराबाद।	आंध्र प्रदेश राज्य में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रभागीय प्रबन्धक, केनारा बैंक, प्रभागीय कार्यालय, गोवा।	संघीय राज्य क्षेत्र गोवा, दमन और दीव में केनारा बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।

[सं० 7(9) बी० प्र० 3/74]

**S. O. 2181**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
Divisional Manager, Canara Bank, Divisional Office, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the States of Maharashtra, Gujarat and Madhya Pradesh.
Divisional Manager, Canara Bank, Divisional Office, Madras.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the State of Tamil Nadu and the Union Territory of Pondicherry.
Divisional Manager, Canara Bank, Divisional Office, Calcutta.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the States of West Bengal, Bihar and Orissa.
Divisional Manager, Canara Bank, Divisional Office, Delhi.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the States of Punjab, Haryana and Rajasthan and the Union Territories of Chandigarh and Delhi.
Divisional Manager, Canara Bank, Head Office, Bangalore.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the State of Karnataka.
Divisional Manager, Canara Bank, Divisional Office, Calicut.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the State of Kerala.
Divisional Manager, Canara Bank, Divisional Office, Hyderabad.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the State of Andhra Pradesh.
Divisional Manager, Canara Bank, Divisional Office, Goa.	Premises belonging to or taken on lease or requisitioned by or on behalf of Canara Bank in the Union Territory of Goa, Daman and Diu.

[No. 7(9) B.O.III/74]

**क्र० प्रा० 2182**—सरकारी स्थान (अप्राधिकृत भोगियों की बेवखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारियों के समूहों के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

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सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमाएं
(1)	(2)
विधि अधिकारी, बैंक आफ महाराष्ट्र, पूना।	पूना और पूना के आस-पास बैंक आफ महाराष्ट्र के स्थान अथवा उसके द्वारा उसकी ओर से पट्टे पर लिए गए अथवा अधिग्रहीत स्थान।
मंडल प्रबंधक, बैंक आफ महाराष्ट्र, फोर्ट, बम्बई।	बैंक आफ महाराष्ट्र के पूना क्षेत्र में जिनमें बृहत्तर बम्बई, थाणा और कोलाबा शामिल हैं, बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
सहायक मंडल प्रबंधक, बैंक आफ महाराष्ट्र, विदर्भ, नागपुर।	बैंक आफ महाराष्ट्र के विदर्भ क्षेत्र में बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
सहायक मंडल प्रबंधक, बैंक आफ महाराष्ट्र, दिल्ली।	दिल्ली महानगर और उसके आस पास बैंक आफ महाराष्ट्र के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।

[सं० 7(9) बी० प्रो० 3/74]

**S.O.2182**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
The law officer, Bank of Maharashtra, Poona.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Bank of Maharashtra in Poona and its suburbs.
Divisional Manager, Bank of Maharashtra, Fort, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Bank of Maharashtra in the bank's Bombay region comprising of Greater Bombay, Thana and Kolaba.
Assistant Divisional Manager, Bank of Maharashtra, Vidharba, Nagpur.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Bank of Maharashtra in the bank's Vidharaba region.
Assistant Divisional Manager, Bank of Maharashtra, Delhi.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Bank of Maharashtra in metropolitan Delhi and its suburbs.

[No. 7(9) B. O. III/74]

का० प्रा० 2183.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के श्रेणी के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिये सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमायें
(1)	(2)
प्रेसिडेन्स अधिकारी, स्टेट बैंक आफ त्रावणकोर, त्रिवेंद्रम।	भारत के सभी भागों में, स्टेट बैंक आफ त्रावणकोर के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।

[सं० 7 (9) बी० प्रो० 3/74]

S.O. 2183.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of a gazetted officer of Government, to be an estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table :

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction.
(1)	(2)
Premises Officer, State Bank of Travancore, Trivandrum.	Premises belonging to or taken on lease or requisitioned by or on behalf of State Bank of Travancore at all places in India.

[No: 7 (9) B.O.III/74]

का० प्रा० 2184.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के श्रेणी के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिये सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के संबंध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमायें
(1)	(2)
उपसचिव, भारतीय यूनिट ट्रस्ट, बम्बई।	भारतीय यूनिट ट्रस्ट के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय यूनिट ट्रस्ट, कलकत्ता।	कलकत्ता में भारतीय यूनिट ट्रस्ट के स्थान अथवा उसके द्वारा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय यूनिट ट्रस्ट, नई दिल्ली।	नई दिल्ली में भारतीय यूनिट ट्रस्ट के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय यूनिट ट्रस्ट, मद्रास।	मद्रास में भारतीय यूनिट ट्रस्ट के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।

[सं० 7 (9) बी० प्रो० 3/74]

S.O. 2184.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
The Deputy Secretary, Unit Trust of India, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Unit Trust of India in Bombay.
The Manager, Unit Trust of India, Calcutta.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Unit Trust of India in Calcutta.
The Manager, Unit Trust of India, New Delhi.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Unit Trust of India in New Delhi.
The Manager, Unit Trust of India, Madras.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Unit Trust of India in Madras.

[No: 7 (9) B.O. III/74]

का० प्रा० 2185.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1

में उल्लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के ओहदे के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिये सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के संबंध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

सारणी

अधिकारी का नाम	सरकारी स्थानों की श्रेणी और क्षेत्राधिकार की स्थानीय सीमायें
(1)	(2)
सचिव, निदेशक बोर्ड, सेंट्रल बैंक आफ इंडिया, चन्द्रमुखी, नरीमन प्वाइंट, बम्बई-21.	भारत में किसी भी स्थान पर, सेंट्रल बैंक के अपने अथवा पट्टे पर लिये गये स्थान

[सं० 7(9) बी० ए० 3/74]

**S.O.2185**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of a gazetted officer of Government, to be an estate officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction.
(1)	(2)
Secretary to the Board of Directors, Central Bank of India, Chander Mukhi, Nariman Point, Bombay-21.	Premises owned or taken on lease by the Central Bank of India at any place in India.

[No. 7 (9) B.O. III/74]

**क्र०आ० 2186**—सरकारी स्थान (अप्राधिकृत भोगियों की बेघबली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के ओहदे के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिये सम्पदा अधिकारी नियुक्त करती है। इन अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित स्थानों के संबंध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमायें
(1)	(2)
सहायक महाप्रबन्धक, यूनियन बैंक आफ इंडिया, बम्बई।	महाराष्ट्र राज्य में यूनियन बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।

(1)

(2)

क्षेत्रीय प्रबन्धक (गुजरात) यूनियन बैंक आफ इंडिया।	गुजरात राज्य में बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
क्षेत्रीय प्रबन्धक (केरल) यूनियन बैंक आफ इंडिया।	केरल राज्य में यूनियन बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
क्षेत्रीय प्रबन्धक (उत्तर) यूनियन बैंक आफ इंडिया।	पंजाब, मध्य प्रदेश, राजस्थान, उत्तर प्रदेश राज्यों में और संघ राज्य क्षेत्र दिल्ली में यूनियन बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
क्षेत्रीय प्रबन्धक (पश्चिम) यूनियन बैंक आफ इंडिया।	पश्चिम बंगाल राज्य में यूनियन बैंक आफ इंडिया के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अधिग्रहीत स्थान।

[सं० 7 (9) बी० ए० 3/74]

**S.O.2186**—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of a gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

TABLE

Designation of the officer.	Categories of public premises and local limits of jurisdiction.
(1)	(2)
Assistant General Manager, Union Bank of India, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of Union Bank of India in the State of Maharashtra.
Regional Manager (Gujarat), Union Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of Union Bank of India in the State of Gujarat.
Regional Manager (Kerala), Union Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of Union Bank of India in the State of Kerala.
Regional Manager (North), Union Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of Union Bank of India in the States of Punjab, Madhya Pradesh, Rajasthan, Uttar Pradesh and the Union Territory of Delhi.
Regional Manager (East), Union Bank of India.	Premises belonging to or taken on lease or requisitioned by or on behalf of Union Bank of India in the State of West Bengal.

[No. 7(9) B. O. III/74]



क्र०आ० 2187.—सरकारी स्थान (अप्राधिकृत भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित सारणी के कालम 1 में लिखित अधिकारियों को, जो सरकार के राजपत्रित अधिकारी के भोड़े के बराबर के अधिकारी हैं, उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी नियुक्त करती है। इन अधिनियम अधिकारियों को उक्त सारणी के कालम 2 में निर्धारित सरकारी स्थानों के सम्बन्ध में उक्त अधिनियम द्वारा अथवा उसके अंतर्गत प्रदत्त अधिकारों का प्रयोग करना होगा और उक्त अधिनियम द्वारा अथवा उसके अंतर्गत सौंपे गये कार्य करने होंगे।

## सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियाँ और क्षेत्राधिकार की स्थानीय सीमायें
(1)	(2)
प्रबन्धक, भारतीय रिजर्व बैंक, बम्बई।	बम्बई में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, कलकत्ता।	कलकत्ता में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, मद्रास।	मद्रास में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, नई दिल्ली।	नई दिल्ली में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, कानपुर।	कानपुर में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, बंगलौर।	बंगलौर में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, नागपुर।	नागपुर में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, पटना।	पटना में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, हैदराबाद।	हैदराबाद में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिए गए अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, गौहाटी।	गौहाटी में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी

(1)

(2)

प्रबन्धक, भारतीय रिजर्व बैंक, ग्रहमदाबाद।	ग्रहमदाबाद में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, जयपुर।	जयपुर में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रबन्धक, भारतीय रिजर्व बैंक, भुवनेश्वर।	भुवनेश्वर में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
प्रिंसिपल, कालेज आफ एग्रीकल्चरल बैंकिंग, पुणे।	पुणे में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत स्थान।
उप मुख्य अधिकारी, भारतीय रिजर्व बैंक, बैंकिंग पारि-चालन और विकास, त्रिवेंद्रम।	त्रिवेंद्रम में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत स्थान।
उप मुख्य अधिकारी, भारतीय रिजर्व बैंक, बैंकिंग परिचालन और विकास भोपाल।	भोपाल में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत स्थान।
उप मुख्य अधिकारी, भारतीय रिजर्व बैंक, कृषि ऋण विभाग, इंदौर।	इंदौर में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत स्थान।
उप मुख्य अधिकारी, भारतीय रिजर्व बैंक, कृषि ऋण विभाग, चण्डीगढ़।	चण्डीगढ़ में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत स्थान।
उप मुख्य अधिकारी, भारतीय रिजर्व बैंक, कृषि ऋण विभाग, लखनऊ।	लखनऊ में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
सहायक नियंत्रक, भारतीय रिजर्व बैंक, विदेशी मुद्रा नियंत्रण विभाग, एनफुलम, कोचीन।	कोचीन में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से पट्टे पर लिये गये अथवा अधिग्रहीत स्थान।
सहायक मुख्य अधिकारी, भारतीय रिजर्व बैंक, विदेशी मुद्रा नियंत्रण विभाग, जम्मू।	जम्मू में भारतीय रिजर्व बैंक के स्थान अथवा उसके द्वारा अथवा उसकी ओर से अधिग्रहीत स्थान।

[सं० 7 (9) क्र० आ० 3/74]

S.O.2187.-In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officers mentioned in column (1) of the Table below, being officers equivalent to the rank of gazetted officer of Government, to be estate officers for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the

estate officers by or under the said Act in respect of the public premises specified in column (2) of the said Table

TABLE

Designation of the officer	Categories of public premises and local limits of jurisdiction
(1)	(2)
The Manager, Reserve Bank of India, Bombay.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Bombay.
The Manager, Reserve Bank of India, Calcutta.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Calcutta.
The Manager, Reserve Bank of India, Madras.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Madras.
The Manager, Reserve Bank of India, New Delhi.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in New Delhi.
The Manager, Reserve Bank of India, Kanpur.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Kanpur.
The Manager, Reserve Bank of India, Bangalore.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Bangalore.
The Manager, Reserve Bank of India, Nagpur.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Nagpur.
The Manager, Reserve Bank of India, Patna.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Patna.
The Manager, Reserve Bank of India, Hyderabad.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Hyderabad.
The Manager, Reserve Bank of India, Gauhati.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Gauhati.
The Manager, Reserve Bank of India, Ahmedabad.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Ahmedabad.
The Manager, Reserve Bank of India, Jaipur.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Jaipur.
The Manager, Reserve Bank of India, Bhubaneswar.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Bhubaneswar.
Principal, College of Agricultural Banking, Pune.	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Pune.
The Deputy Chief Officer, Reserve Bank of India, Department of Banking	Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of

(1)

(2)

Operations and Development, Trivandrum.

of India in Trivandrum.

The Deputy Chief Officer, Reserve Bank of India, Department of Banking Operations and Development, Bhopal.

Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Bhopal.

The Deputy Chief Officer, Reserve Bank of India, Agricultural Credit Department in Indore

Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Indore

The Deputy Chief Officer, Reserve Bank of India, Agricultural Credit Department, Chandigarh.

Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Chandigarh.

The Deputy Chief Officer, Reserve Bank of India, Agricultural Credit Department, Lucknow.

Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Lucknow.

The Assistant Controller, Reserve Bank of India, Exchange Control Department, Ernakulam, Cochin

Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Cochin.

The Assistant Chief officer, Reserve Bank of India, Department of Banking Operations and Development, Jammu.

Premises belonging to or taken on lease or requisitioned by or on behalf of the Reserve Bank of India in Jammu.

[No. 7(9)B. O. III/74]

M. B. USGAONKAR, Under Secy.

नई दिल्ली, 18 जून, 1975

का० प्रा० 2188.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारत सरकार, भारतीय रिजर्व बैंक की सिफारिश पर एतद्वारा यह घोषित करती है कि उक्त बैंक की धारा 9 के उपबन्ध के तहत राज्य के त्रिचूर जिले के काल्लेथुमकारा गांव में स्थित अचल सम्पत्ति अर्थात् सर्वे सं० 176 और 177 के संबंध में श्री पूर्णब्रह्म विलासन बैंक लिमिटेड, त्रिपुनीथुरा पर 27 अप्रैल, 1976 तक लागू नहीं होंगे।

[सं० 15(26) बी० प्रो० 3/75]

मे० आ० उसगांवकर, प्रवर सचिव

New Delhi, the 18th June, 1975

S.O. 2188.—In exercise of the powers conferred by Section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of Section 9 of the said Act, shall not apply till the 27th April, 1976 to the Sree Poornathrayeesa Vilasom Bank Ltd., Tripunithura, in respect of the immovable property viz., Survey No. 176 and 177 at Kallethumkara Village in Trichur District in Kerala State.

[No. 15(26)-B.O.III/75]

M. B. USGAONKAR, Under Secy.

## भारतीय रिज़र्व बैंक

नई दिल्ली, 30 जून, 1975

क्रा० प्रा० 2189.—भारतीय रिज़र्व बैंक अधिनियम, 1934 के अनुसरण में जून, 1975 के दिनांक 20 को समाप्त हुए सप्ताह के लिए लेखा (इयू विभाग)

वेयताएं	रुपये	रुपये	प्रास्तियां	रुपये	रुपये
बैंकिंग विभाग में रखे हुए नोट	37,47,19,000		सोने का सिक्का और बुलियन—		
संचालन में नोट	6682,10,40,000		(क) भारत में रखा हुआ	182,52,58,000	
			(ख) भारत के बाहर रखा हुआ		
			विदेशी प्रतिभूतियां	121,73,97,000	
जारी किए गए कुल नोट		6719,57,59,000	जोड़		304,26,55,000
			रुपये का सिक्का		4,91,63,000
			भारत सरकार की रुपया प्रतिभूतियां		6410,39,41,000
			देशी विनिमय बिल और दूसरे		
			वाणिज्य-पत्र		
कुल वेयताएं		6719,57,59,000	कुल प्रास्तियां		6719,57,59,000

दिनांक 25 जून, 1975

एन० सी० सेन गुप्ता, गवर्नर

20 जून, 1975 को भारतीय रिज़र्व बैंक के बैंकिंग विभाग के कार्यकलाप का विवरण

वेयताएं	रुपये	प्रास्तियां	रुपये
चुकता पूंजी	5,00,00,000	नोट	37,47,19,000
प्रारक्षित निधि	150,00,00,000	रुपये का सिक्का	5,29,000
राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि	284,00,00,000	छोटा सिक्का	3,85,000
राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि	95,00,00,000	खरीदे और भुनाए गए बिल	
राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि	265,00,00,000	(क) देशी	131,73,57,000
जमा राशियां—		(ख) विदेशी	
(क) सरकारी		(ग) सरकारी खजाना बिल	242,65,93,000
( ) केन्द्रीय सरकार	59,52,66,000	विदेशों में रखा हुआ बकाया*	441,12,76,000
(ii) राज्य सरकारें	6,52,08,000	नियेश**	618,46,54,000
(ख) बैंक		ऋण और अधिम—	
(i) अनुसूचित वाणिज्य बैंक	478,44,04,000	(i) केन्द्रीय सरकार को	
(ii) अनुसूचित राज्य सहकारी बैंक	16,01,85,000	(ii) राज्य सरकारों को	355,89,95,000
(iii) गैर अनुसूचित राज्य सहकारी बैंक	1,48,48,000	ऋण और अधिम—	
(iv) अन्य बैंक	77,54,000	(i) अनुसूचित वाणिज्य बैंकों को	302,06,87,000
		(ii) राज्य सहकारी बैंकों को	256,53,49,000
		(iii) दूसरों को	36,48,70,000

राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से ऋण,

अधिम और नियेश

(क) ऋण और अधिम—

(i) राज्य सरकारों को	69,76,19,000
(ii) राज्य सहकारी बैंकों को	13,50,19,000
(iii) केन्द्रीय भूमिबन्धक बैंकों को	
(iv) कृषि पुनर्वित्त निगम को	70,50,00,000

वेयताएं	रुपये	आस्तियां	रुपये
(ग) ग्रन्थ	820,49,58,000	(ख) केन्द्रीय भूमिबन्धक बैंकों के डिबेंचरों में निवेश	10,65,46,000
वेय बिल	153,49,34,000	राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम	
ग्रन्थ वेयताएं	937,69,36,000	राज्य सहकारी बैंकों को ऋण और अग्रिम	72,41,61,000
		राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि से	
		ऋण, अग्रिम और निवेश	264,64,56,000
		(क) विकास बैंक को ऋण और अग्रिम	
		(ख) विकास बैंक द्वारा जारी किए गए बांडों/डिबेंचरों में	
		निवेश	
		ग्रन्थ आस्तियां	349,42,78,000
	रुपये 3273,44,93,000		रुपये 3273,44,93,000

\*नकदी आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

\*\*राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन प्रवर्तन) निधि में से किए गए निवेश शामिल नहीं हैं।

@राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिए गए अस्थायी मोबराइफ्ट शामिल हैं।

†भारतीय रिजर्व बैंक अधिनियम की धारा 17(4)(ग) के अधीन अनुसूचित वाणिज्य बैंकों को मियादी बिलों पर अग्रिम दिए गए 223,72,00,000 रुपये शामिल हैं।

‡राष्ट्रीय कृषि ऋण (दीर्घकालीन प्रवर्तन) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

दिनांक : 25 जून 1975

एन० सी० सेन गुप्ता, गवर्नर

[सं० फ० 10(1)/75-बी०ओ०आई०]

ब० व० मीरचन्दानी, सचिव

#### RESERVE BANK OF INDIA

S. O. 2189.—An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 20th day of June 1975.

(Issue Department)

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Department	Banking	37,47,19,000	Gold Coin and Bullion:—		
Notes in circulation		66,82,10,40,000	(a) Held in India	182,52,58,000	
Total notes issued		67,19,57,59,000	(b) Held outside India		
			Foreign Securities	121,73,97,000	
			Total		304,26,55,000
			Rupee Coin		4,91,63,000
			Government of India Rupee Securities		6410,39,41,000
			Internal Bills of Exchange and other commercial paper		
Total Liabilities		67,19,57,59,000	Total Assets		67,19,57,59,000

Dated the 25th day of June, 1975.

N. C. SEN GUPTA, Governor.

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 20th June, 1975.

Liabilities	Rs.	Assets	Rs.
Capital Paid Up	5,00,00,000	Notes	37,47,19,000
Reserve Fund	150,00,00,000	Rupee Coin	5,29,000
National Agricultural Credit (Long Term Operations) Fund	284,00,00,000	Small Coin	3,85,000
		Bills Purchased and discounted :—	
		(a) Internal	131,73,57,000
		(b) External	
		(c) Government Treasury Bills	242,65,93,000
National Agricultural Credit (Stabilisation) Fund	95,00,00,000	Balance Held Abroad*	441,12,76,000
		Investments**	618,46,54,000

National Industrial Credit (Long Term Operations) Fund		2,65,00,00,000	Loans and Advances to :—		
			(i) Central Government		
			(ii) State Governments@		355,89,95,000
Deposits :—			Loans and Advances to :—		
(a) Government			(i) Scheduled Commercial Banks†		302,06,87,000
(i) Central Government		59,52,66,000	(ii) State Co-operative Banks‡		256,53,49,000
(ii) State Governments		6,52,08,000	(iii) Others		36,48,70,000
(b) Banks			Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund		
(i) Scheduled Commercial Banks		4,78,44,04,000	(a) Loans and Advances to :—		
(ii) Scheduled State Co-operative Banks		16,01,85,000	(i) State Governments		69,76,19,000
(iii) Non-Scheduled State Co-operative Banks		1,48,48,000	(ii) State Co-operative Banks		13,50,19,000
(iv) Other Banks		77,54,000	(iii) Central Land Mortgage Banks		..
(c) Others		8,20,49,58,000	(iv) Agricultural Refinance Corporation		70,50,00,000
Bills Payable		1,53,49,34,000	(b) Investment in Central Land Mortgage Bank Debentures		10,65,46,000
Other Liabilities		9,37,69,36,000	Loans and Advances from National Agricultural Credit (Stabilisation) Fund		72,41,61,000
			Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund		
			(a) Loans and Advances to the Development Bank		2,64,64,56,000
			(b) Investment bonds/debentures issued by the Development Bank		
			Other Assets		3,49,42,78,000
Rupees		32,73,44,93,000	Rupees		3273,44,93,000

\*Includes Cash, Fixed Deposits and Short-term Securities.

\*\*Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 223,72,00,000—advanced to scheduled commercial banks against usance bills under Section 17 (4) (c) of the Reserve Bank of India Act.

‡Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 25th day of June 1975

[No. F.10(1)75-B./O.I.]

N. C. SEN GUPTA, Governor

C. W. MİRCHANDANI, Under Secy.

केन्द्रीय प्रत्यक्ष कर बोर्ड (आयकर)		आयकर आयुक्त	मुख्यालय	अधिकारिता
नई दिल्ली, 27 नवम्बर, 1974				
सं 784/का.प्र.० 2190.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय प्रत्यक्ष-कर बोर्ड, समय-समय पर यथा संशोधित, अधिसूचना सं० 679 (फा० सं० 187/2/74-आई टी ए आई) तारीख 20 जुलाई, 1974 में निम्नलिखित संशोधन करता है। स्तम्भ 1, 2 और 3 में, क्रम सं० 8, 8ख और 8ग के सामने की विद्यमान प्रविष्टियों के स्थान पर निम्नलिखित प्रविष्टियां रखी जाएंगी :—				
आय-कर आयुक्त	मुख्यालय	अधिकारिता		
1	2	3		
8 क दिल्ली II	नई दिल्ली	1. कम्पनी सिकल, 1 नई दिल्ली	2. कम्पनी सिकल 4, नई दिल्ली	
			3. कम्पनी सिकल 5, नई दिल्ली	
			4. कम्पनी सिकल 6, नई दिल्ली	
			5. कम्पनी सिकल 8, नई दिल्ली	
			6. कम्पनी सिकल 9, नई दिल्ली	
			7. कम्पनी सिकल 11, नई दिल्ली	
			8. कम्पनी सिकल 17, नई दिल्ली	
			9. कम्पनी सिकल 18, नई दिल्ली	
			10. कम्पनी सिकल 21, नई दिल्ली	

1	2	3
		11. कम्पनी सर्किल 22, नई दिल्ली 12. विशेष सर्किल 1, नई दिल्ली 13. विशेष सर्किल 1, (प्रतिरिक्त), नई दिल्ली 14. विशेष सर्किल 2, नई दिल्ली 15. विशेष सर्किल 2, (प्रतिरिक्त) नई दिल्ली 16. न्यास सर्किल, नई दिल्ली 17. विशेष सर्किल 7, नई दिल्ली 18. जिला 6, नई दिल्ली 19. सम्पदा शुल्क-एवं आय कर सर्किल नई दिल्ली 20. अपर सम्पदा शुल्क एवं आय कर सर्किल, नई दिल्ली
8 ब, दिल्ली III	नई दिल्ली	1. जिला 3, नई दिल्ली (जिला 3 (19) से जिला 3 (23) नई दिल्ली को छोड़कर) 2. निष्क्रान्त सर्किल, नई दिल्ली 3. विशेष सर्किल 5 और 9, नई दिल्ली
8 ग दिल्ली IV	नई दिल्ली	1. जिला 8, नई दिल्ली 2. जिला 9, नई दिल्ली 3. जिला 5, नई दिल्ली 4. विशेष सर्किल 5, 6 (प्रतिरिक्त) 10, 11, 12 और 13, नई दिल्ली 5. भविष्य निधि सर्किल, नई दिल्ली

यह अधिसूचना 1 दिसम्बर, 1974 से प्रभावी होगी।

(फा० सं० 187/2/74-आई० टी० (ए आई):

# CENTRAL BOARD OF DIRECT TAXES

New Delhi, the 27th November, 1974.

(Income-tax)

S. O. 2190.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby makes the following amendment to the notification No. 679 (F.No. 187/2/74-IT(AI) dated 20th July, 1974 as amended from time to time. Existing entries under columns 1, 2, and 3 against Serial Nos. 8A, 8B and 8C shall be substituted by the following entries :—

Commissioners of Income-tax.	Headquarters	Jurisdiction
1	2	3
8A Delhi II	New Delhi	1. Companies Circle I, New Delhi. 2. Companies Circle, IV, New Delhi.

1	2	3
		3. Companies Circle V, New Delhi. 4. Companies Circle VI, New Delhi. 5. Companies Circle VIII, New Delhi. 6. Companies Circle IX, New Delhi. 7. Companies Circle XI, New Delhi. 8. Companies Circle XVII, New Delhi. 9. Companies Circle XVIII, New Delhi. 10. Companies Circle XXI, New Delhi. 11. Companies Circle XXII, New Delhi. 12. Special Circle I, New Delhi. 13. Special Circle I (Additional) New Delhi. 14. Special Circle II, New Delhi. 15. Special Circle II (Additional) New Delhi. 16. Trust Circle, New Delhi. 17. Special Circle VII, New Delhi. 18. District VI, New Delhi. 19. Estate Duty-Cum-Income-tax Circle, New Delhi. 20. Additional Estate Duty-cum-Income-tax Circle New Delhi.
8B- Delhi III	New Delhi	1. District III, New Delhi (except District III (19) District III (23) New Delhi). 2. Evacuee Circle, New Delhi. 3. Special Circles V & IX New Delhi. 3. Special Circle V & IX New Delhi.
8C Delhi IV	New Delhi	1. District VIII, New Delhi. 2. District X, New Delhi. 3. District V, New Delhi. 4. Special Circles VI, VI (Additional), X, XI, XII and XIII, New Delhi. 5. Provident Fund Circle, New Delhi.

This notification will come into effect from 1st December, 1974.

(No. 784-F. No. 187/2/74-IT(AI))

नई दिल्ली, 30 नवंबर, 1975

क्रा० प्रा० 2191.—आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस सम्बन्ध में समय-समय पर यथासंशोधित, तारीख 20 जुलाई, 1974 की समसंख्यांक पूर्ण अधिसूचना का आंशिक रूप से उपान्तरण करते हुए, केन्द्रीय प्रत्यक्ष कर बोर्ड निदेश करता है कि इससे उपाबद्ध अनुसूची के स्तम्भ (1) में विनिर्दिष्ट आय-कर उपायुक्त, जिनका मुख्यालय अनुसूची के स्तम्भ (2) में विनिर्दिष्ट है, ऐसे क्षेत्रों या ऐसे व्यक्तियों, या व्यक्तियों के वर्गों या ऐसी आयों या आयों के वर्गों या ऐसे मामलों या मामलों के वर्गों की बाबत, जो स्तम्भ (3) में विनिर्दिष्ट आय-कर सर्किल बाहों या जिलों में समाविष्ट हैं, अपने कृत्यों का पालन करेंगे :

परन्तु आय-कर आयुक्त ऐसे व्यक्तियों या ऐसे मामलों की बाबत भी अपने कृत्यों का पालन करेगा, जो केन्द्रीय प्रत्यक्ष कर बोर्ड द्वारा उसके अधीनस्थ किसी आय-कर प्राधिकारी को समनुविष्ट किए गए हों या किए जाएं;

परन्तु यह और भी कि आयुक्त ऐसे व्यक्तियों या ऐसे मामलों की बाबत अपने कृत्यों का पालन नहीं करेगा जो उसकी अधिकारिता के बाहर किसी आय-कर प्राधिकारी को समनुविष्ट किए गए हों या किए जाएं।

## अनुसूची,

आय-कर आयुक्त	मुख्यालय	अधिकारिता
1	2	3
5. मुम्बई नगर-I	मुम्बई	1. कम्पनी सफिल-I 2. मुम्बई सफिल 3. फिल्म सफिल 4. विशेष सफिल I 5. विशेष सफिल II
6क. मुम्बई नगर-II	मुम्बई	1. कम्पनी सफिल-II 2. ख-I वार्ड 3. आय-कर अधिनियम, 1961 में यथा परिभाषित सभी कम्पनियों, जिनका कारबार वृत्ति या व्यवसाय का मुख्य स्थान निम्नलिखित 'वाडों/सफिलों/जिलों' की क्षेत्रीय अधिकारिता में स्थित है, और जिन पर मुम्बई में किसी अन्य आयुक्त की इस समय अधिकारिता नहीं है। ख-I वार्ड घ-II वार्ड
5ख. मुम्बई नगर-III	मुम्बई	1. कम्पनी सफिल-III 2. क-II वार्ड 3. क-III वार्ड 4. भ-वार्ड 5. आय-कर अधिनियम, 1961 में यथा परिभाषित सभी कम्पनियों, जिनका कारबार, वृत्ति या व्यवसाय का मुख्य स्थान निम्नलिखित वाडों सफिलों/जिलों की क्षेत्रीय अधिकारिता में स्थित है, और जिन पर मुम्बई में किसी अन्य आयुक्त की इस समय अधिकारिता नहीं है। क-I वार्ड क-II वार्ड क-III वार्ड क-IV वार्ड क-V वार्ड
5ग. मुम्बई नगर-IV	मुम्बई	1. कम्पनी सफिल-I 2. क-II वार्ड 3. ग-IV वार्ड

1	2	3
		4. मुम्बई प्रतिदाय सफिल (जिसके अन्तर्गत व्यास के मामले भी आते हैं)
		5. आय-कर अधिनियम, 1961 में यथा-परिभाषित सभी कम्पनियों, जिनका कारबार वृत्ति या व्यवसाय का मुख्य स्थान निम्नलिखित वाडों/सफिलों/जिलों की क्षेत्रीय अधिकारिता में स्थित है, और जिन पर मुम्बई में किसी अन्य आयुक्त की इस समय अधिकारिता नहीं है। ग-I वार्ड ग-II वार्ड ग-III वार्ड ग-IV वार्ड ग-V वार्ड
5घ. मुम्बई नगर V	मुम्बई	1. कम्पनी सफिल V 2. ख-I वार्ड 3. निष्क्रान्त सफिल-II 4. ख-II वार्ड 5. आय-कर अधिनियम 1961 में यथा-परिभाषित सभी कम्पनियों, जिनका कारबार, वृत्ति या व्यवसाय का मुख्य स्थान निम्नलिखित वाडों/सफिलों/जिलों की क्षेत्रीय अधिकारिता में स्थित है, और जिन पर मुम्बई में किसी अन्य आयुक्त की इस समय अधिकारिता नहीं है। ख-I वार्ड ख-II वार्ड ख-III वार्ड क वार्ड बाजार वार्ड
5ङ. मुम्बई नगर-VI	मुम्बई	1. कम्पनी सफिल—VI 2. बी एस डी (वर्षिण) 3. बी एस डी (पूर्व) 4. आय-कर अधिनियम, 1961 में यथा परिभाषित सभी कम्पनियों, जिनका कारबार वृत्ति या व्यवसाय का मुख्य स्थान निम्नलिखित वाडों/सफिलों/जिलों की क्षेत्रीय अधिकारिता में स्थित है, और जिन पर मुम्बई में किसी अन्य आयुक्त की इस समय अधिकारिता नहीं है।



(1)	(2)	(3)
5अ. मुम्बई नगर X	मुम्बई	1. ख-III वार्ड 2. बी० एस० डी० (पश्चिम) 3. विदेश अनुभाग 4. अ-निवासी प्रतिवाय सकल
5भ. मुम्बई नगर-XI	मुम्बई	1. बेतन शाखा-I 2. बेतन शाखा-II 3. छ-वार्ड 4. छ क-वार्ड

यह अधिसूचना 1 मई, 1975 से प्रभावी होगी।

[सं० 886 एक सं० 187/2/74-आई० टी० (ए० आई०)]

टी० पी० मूनमुनवाला, सचिव

New Delhi, the 30th April, 1975

**S.O.2191.**—In exercise of powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961) and in partial modification of the previous notification of even number dated 20th July, 1974, as amended from time to time in this regard, the Central Board of Direct Taxes hereby direct that the Commissioner of Income-tax, specified in column (1) of the Schedule hereto annexed with headquarters specified in column (2) thereof shall perform, their functions in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles, wards or Districts referred to in the column (3).

Provided that a Commissioner of Income-tax shall also perform his functions in respect of such persons or of such cases as have been or may be assigned by the Central Board of Direct Taxes to any Income-tax authority subordinate to him;

Provided further that a Commissioner shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any income-tax authority outside his jurisdiction.

#### SCHEDULE

Commissioners of Income-tax.	Headquarters.	Jurisdiction
1	2	3
5. Bombay City-I	Bombay	1. Company Circle-I 2. Bombay Circle. 3. Film Circle. 4. Special Circle-I. 5. Special Circle-II.
5A. Bombay City-II	Bombay	1. Companies Circle-II. 2. D-I Ward. 3. All companies as defined in the I.T. Act, 1961, having their principal place of business; profession or vocation in the territorial jurisdiction of the following wards/circles/districts, and over which no other Commissioner at Bombay holds jurisdiction at present. D-I Ward. D-II Ward.
5B. Bombay City-III	Bombay	1. Company Circle-III 2. A-I Ward, 3. A-III Ward, 4. X-Ward, 5. All companies as defined in the I.T. Act, 1961, having their principal place

1	2	3
		of business, profession or vocation in the territorial jurisdiction of the following wards/circles/districts, and over which no other Commissioner at Bombay holds jurisdiction at present. A-I Ward A-II Ward A-III Ward A-IV Ward A-V Ward
5C. Bombay City-IV	Bombay	1. Companies Circle-IV. 2. A-II Ward 3. C-IV Ward 4. Bombay Refund Circle (including Trust cases) 5. All companies as defined in the I.T. Act, 1961, having their principal place of business, profession or vocation in the territorial Jurisdiction of the following wards/circles/districts, and over which no other Commissioner at Bombay holds jurisdiction at present. C-I Ward. C-II Ward. C-III Ward. C-IV Ward. C-V Ward.
5D. Bombay city-V.	Bombay	1. Companies Circle-V 2. B-I Ward 3. Evacuee Circle-II. 4. B-II Ward 5. All companies as defined in the I.T. Act, 1961, having their principal place of business, profession or vocation in the territorial jurisdiction of the following wards/circles/districts and over which no other Commissioner at Bombay holds jurisdiction at present. B-I Ward. B-II Ward. B-III Ward. E-Ward. Market Ward.
5E. Bombay City-VI	Bombay	1. Companies Circle-VI. 2. B.S.D. (South). 3. B.S.D. (East). 4. All companies as defined in the I.T. Act, 1961, having the principal place of business, profession or vocation in the territorial jurisdiction of the following wards/circles/districts and over which no other Commissioner at Bombay holds jurisdiction at present. G-Ward GA-Ward B.S.D.(E) Ward. B.S.D.(S) Ward. B.S.D. (W) Ward.
5F. Bombay City-VII	Bombay	1. C-III Ward. 2. D-II Ward. 3. A-V Ward.
5G. Bombay City-VIII	Bombay	1. A-IV Ward. 2. C-V Ward. 3. E-Ward.

1	2	3
5H. Bombay City-IX	Bombay	1. Market Ward. 2. C-I Ward. 3. C-II Ward. 4. Evacuee Circle-I.
5I. Bombay City-X	Bombay	1. B-III Ward. 2. B.S.D. (West). 3. Foreign Section. 4. Non-Residents Refund Circle.
5J. Bombay City-XI	Bombay	1. Salaries Branch-I. 2. Salaries Branch-II. 3. G-Ward. 4. G.A-Ward.

This Notification shall take effect from 1st May, 1975.

[No. 886-F. No. 187/2/74-JT-(AI)]

नई दिल्ली, 12 मई, 1975

का० प्रा० 2192.—केन्द्रीय प्रत्यक्ष कर बोर्ड, आय-कर अधिनियम, 1961 (1961 का 43) की धारा 121 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अपनी अधिसूचना सं० 693 (का० सं० 187/2/74 प्रा० क० (ए०-1) तारीख 1 अगस्त, 1974 के स्तम्भ, अधिकांशता के नीचे क्रम सं० 9 के सामने मव 3 की प्रविष्टि को काट देता है।

[सं 897 का० सं० 187/14/74-2(ए० प्रा०)]

टी० पी० ज़ुनजुनवाला, सचिव

New Delhi, the 12th May, 1975

S.O. 2192.—In exercise of the powers conferred by sub-section (1) of Section 121 of the Income-tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby deletes the entry at item No. 3 under column Jurisdiction against Sl. No. 9 of its Notification No. 693 (F. No. 187/2/74-II(AI) dated the 1st August, 1974.

[No. 897-F. No. 187/14/74-II(AI)]

T. P. JHUNJHUNWALA, Secy.

आदेश

नई दिल्ली, 31 मई, 1975

का० प्रा० 2193.—बोर्ड के आदेश सं० 745 (का० सं० 404/110/74-प्राईंटींसींसीं), तारीख 8 अक्टूबर, 1974 का प्रांशिक उपान्तरण करते हुए श्री आर० एस० निगम का नाम, जो उसके पैरा 1 में और उसकी अनुसूची की क्रम सं० 1 में आया है, हटा दिया जाता है।

2. यह आदेश 1 जून, 1975 को प्रवृत्त होगा।

[सं० 927-का० सं० 404/104/75-प्राईंटींसींसीं]

ORDER

New Delhi, the 31st May, 1975

S.O. 2193.—In partial modification of Board's Order No. 745 (F. No. 404/110/74-ITCC) dated the 8th October, 1974, the name of Shri R. S. Nigam appearing in para 1 and at Serial No. 1 of the Schedule thereof is deleted.

2. This order shall come into force with effect from the 1st June, 1975.

[No. 927-F. No. 404/104/75-ITCC]

का० प्रा० 2194.—आदेश सं० 903 (का० सं० 404/85/75-प्राईंटींसींसीं), तारीख 16 मई, 1975 का प्रांशिक उपान्तरण किया जाता है, जिससे वह 19 मई, 1975 की बजाय 2 जून, 1975 को प्रवृत्त होगा।

2. यह आदेश 2 जून, 1975 को प्रवृत्त होगा।

[सं० 929-का० सं० 404/85/75-प्राईंटींसींसीं]

टी० आर० अग्रवाल, सचिव

ORDER

S.O. 2194.—No 903 (F. No. 404/85/75-ITCC) dated the 16th May, 1975 is partially modified inasmuch as it shall come into force with effect from the 2nd June, 1975 instead of 19th May, 1975.

2. This order shall come into force with effect from the 2nd June, 1975.

[No. 929-F. No. 404/85/75-ITCC]

T. R. AGGARWAL, Secy.

केन्द्रीय उत्पाद शुल्क के समामूर्त का कार्यालय

गुड्डूर

गुड्डूर, 15 अप्रैल, 1975

का० प्रा० 2195.—5 फरवरी, 1972 के भारत सरकार के राजपत्र के भाग-II खंड 3, उपखण्ड (ii) के पृष्ठ 684 से 689 पर दिनांक 4-6-71 को प्रकाशित सं० 1/71 का शुद्ध पत्र।

ऊपर बताया गयी अधिसूचना की क्रम सं० 64 के स्तम्भ सं० 3 में 'अधीक्षक काकिनाद' के स्थान पर 'अधीक्षक, सीमा शुल्क गृह, काकिनाद, पर्वे'।

[का०सी०सं०-IV/8/1/75-एम० पी०-2]

एस०के० श्रीवास्तव, समामूर्त

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE  
CORRIGENDUM

Guntur, the 15th April, 1975

S.O. 2195.—Corrigendum to Notification No. 1/71 dated 4-6-71 published in the Gazette of India in Part II, Sec. 3 Sub-Section (ii) appearing at P. 684 to 698 of Govt. of India Gazette of February 5th, 1972.

In Column 3 of Sl. No. 64 of the above Notification instead of "Superintendent, Kakinada" read "Superintendent Custom House, Kakinada."

[File C. No. IV/8/1/75 MP-2]

S. K. SRIVASTAVA, Collector

## कार्यालय आयकर आयुक्त, मध्य प्रदेश

भोपाल, 30 मई, 1975

क्रा० प्रा० 2196.—यतः केन्द्रीय सरकार की राय है कि ऐसे निर्धारितियों के नामों और उनके संबंध में अन्य विवरण प्रकाशित किया जाना लोकहित में आवश्यक और समीचीन है, जिन पर रुपये 5,000/- से अन्यून कोई शास्ति वित्तीय वर्ष 1974-75 के दौरान अधिरोपित की गई थी।

और यतः आयकर अधिनियम 1961 (क्रमांक 43 सन् 1961) की धारा 287 के द्वारा केन्द्रीय सरकार द्वारा अपने आदेश दिनांक 25 मार्च, 1969 द्वारा इन निमित्त मुश्किलों प्रवृत्त शक्तियों का प्रयोग करने हुए, मैं, आयकर आयुक्त, मध्य प्रदेश-1, भोपाल, इससे उपाबद्ध अनुसूची 1 से 3 में नामों और अन्य विवरणों को एतद्वारा प्रकाशित करता हूँ :—

## अनुसूची—1

जहां कोई भी अपील उसके लिए अनुज्ञात समय के भीतर अधिकरण को प्रस्तुत नहीं की गई थी या जहां उपस्थापित की गई अपीलों वित्तीय वर्ष के दौरान निपटा दी गई हों वहां ऐसे निर्धारितियों जिन पर प्रत्येक मामले में रुपये 5,000/- से अन्यून कोई शास्ति 1-4-74 से प्रारम्भ होने वाली और 31-3-75 को समाप्त होने वाली अवधि के दौरान आय के छिपाने के कारण अधिरोपित की गई थी।

क्रम सं०	निर्धारितियों का नाम और पता	प्रास्थिति	शास्ति की रकम	निर्धारण वर्ष या जिसके संबंध में व्यक्तिगत हुआ
1	2	3	4	5
— निरंक —				

## अनुसूची—2

जहां कोई भी अपील उसके लिए अनुज्ञात समय के भीतर अपीलीय सहायक आयकर आयुक्त/आयकर अपीलीय अधिकरण को प्रस्तुत नहीं की गई थी या जहां उपस्थापित की गई अपीलों वित्तीय वर्ष के दौरान निपटा दी गई हों वहां ऐसे निर्धारितियों जिन पर प्रत्येक मामले में रुपये 5,000/- से अन्यून कोई शास्ति 1-4-74 से प्रारम्भ होने वाली और 31-3-75 को समाप्त होने वाली अवधि के दौरान आय का विवरण न देने या लेखा पुस्तकें पेश न करने या कानूनी सूचनाओं का अनुपालन न करने के कारण अधिरोपित की गई थीं।

— निरंक —

## अनुसूची—3

जहां कोई अपील उसके लिए अनुज्ञात समय के भीतर अपीलीय सहायक आयकर आयुक्त/आयकर अपीलीय अधिकरण को प्रस्तुत नहीं की गई थी या जहां उपस्थापित की गई अपीलों वित्तीय वर्ष के दौरान निपटा दी गई हों वहां ऐसे निर्धारितियों जिन पर प्रत्येक मामले में रुपये 5,000/- से अन्यून कोई शास्ति 1-4-74 से प्रारम्भ होने वाली और 31-3-75 को समाप्त होने वाली अवधि के दौरान मिथ्या प्राक्कलन देने या स्वेच्छा से अग्रिम कर का प्राक्कलन न देने या कर का संशय न करने के कारण अधिरोपित की गई थी।

क्रम सं०	निर्धारितियों का नाम और पता	प्रास्थिति	शास्ति की रकम	निर्धारण वर्ष जिसके संबंध में व्यक्तिगत हुआ
1.	श्री हजारीलाल प्रोप० मे० सन्तुलाल हजारीलाल, ग्राम बागोद, तह० धरमाहा, जिला खरगोन (म० प्र०)	हि०अ०प०	रु० 5,000/-	1970-71

[क्रमांक सी०एस०-8/74-75]

के० जगन्नाथन, आयकर आयुक्त

## OFFICE OF THE COMMISSIONER OF INCOME TAX, MADHYA PRADESH

Bhopal, 30th May, 1975

**S.O. 2196.**—Whereas the Central Government is of the opinion that it is necessary and expedient in public interest to publish the names and the other particulars herein after specified relating to assessee on whom a penalty of not less than Rs. 5,000 was imposed during the financial year 1974-75;

And whereas in exercise of the powers conferred by section 287 of the Income-tax Act, 1961 (43 of 1961) in this behalf on me by the Central Government by its order dated 25th March, 1969, I, the Commissioner of Income-tax Madhya Pradesh-I, charge, Bhopal hereby publish the names and other particulars in Schedules I to III hereto annexed :—

## SCHEDULE-I

Assessee on whom a penalty not less than Rs. 5,000/- in each case was imposed for concealment of income during the period commencing with 1-4-74 to 31-3-75 where no appeals were presented to the Tribunal within the time allowed therefor or where presented have been disposed of during the financial year.

S.No.	Name & Address of the Assessee	Status	Amount of Penalty	Assessment year for which the default occurred.
1	2	3	4	5
Nil				

## SCHEDULE-II

Assessee on whom a penalty of not less than Rs. 5,000 in each case was imposed for failure to file the returns of income or to produce books of accounts or to comply with the statutory notices during the period commencing with 1-4-74 to 31-3-75 where no appeals were presented to the AAC/ITAT within the time allowed therefor or where the appeals presented have been disposed of during financial year.

1	2	3	4	5
Nil				

## SCHEDULE-III

Assessee on whom a penalty of not less than Rs. 5,000 in each case was imposed for filing false estimate or not filing voluntary estimate of advance tax or for non-payment of tax during the period commencing with 1-4-1974 to 31-3-1975 where no appeals were presented to the AAC/ITAT within the time allowed therefor or where appeals presented have been disposed of during the financial year :

S.No.	Name & Address of the assessee	Status	Amount of penalty	Assessment year for which the default.
1.	Shri Hazarilal Prop M/s. Santulal Hazarilal, Village Bagod, Teh. Barwaha, Distt. Khargone (M.P.)	HUF	Rs. 5,000	1970-71

[No C. S. 8/74-75]

K. JAGANNATHAN, Commissioner

वाणिज्य मंत्रालय  
मुख्य नियंत्रक, आयात-निर्यात का कार्यालय,

भारत

नई दिल्ली 24 जून, 1975

का० आ० 2197.—सर्वेक्षी रेटेलि बर्न लि० 12, मिशन रो०, कलकत्ता-1 को 4,29,000/- रुपये के लिए एक लाइसेंस सं० पी०/डी०/2167242/एस०/आई०/एन०/30/एच०/27-28 दिनांक 29-1-69 इससे संलग्न सूची के अनुसार कच्ची सामग्री/सफटकों के आयात के लिए प्रदान किया गया था। उन्होंने उक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति उन से अस्थानस्थ हो गई है। लाइसेंस-

धारी द्वारा यह भी सूचना दी गई है कि मुद्रा विनियम नियंत्रण प्रति 3,25,257/- रुपये का उपयोग करने के बाद अस्थानस्थ हो गई है।

अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस सं० पी०/डी०/2167242/एस०/आई०/एन०/30/एच०/27-28 दिनांक 29-1-69 की मूल मुद्रा विनियम नियंत्रण प्रति अस्थानस्थ हो गई है/छो गई है और निवेश देता हूँ कि इसकी अनुलिपि प्रति उन को जारी की जानी चाहिए। मूल मुद्रा विनियम नियंत्रण प्रति रद्द की जाती है। आयात लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि अलग से जारी की जानी जा रही है।

[सहया : एस० डब्ल्यू० जी० 20(1)/68-69/आर०एम०6]

ए० एन० खट्जी, उप-मुख्य नियंत्रक,

## MINISTRY OF COMMERCE

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS &amp; EXPORTS

## ORDER

New Delhi, the 24th June, 1975

**S.O. 2197.**—M/s. Reyrolle Burn Ltd; 12, Mission Row, Calcutta-1 were granted licence No. P/D/2167242/S/IN/30/H/27-28 dt. 29-1-69 for Rs. 4,29,000 for import of Raw Materials/components as per list attached thereto. They have requested for issue of duplicate Exchange Control Copy of the said licence on the ground that original Exchange Control Copy has been misplaced by them. It has further been reported by the licensee that the Exchange Control copy has been misplaced after having been utilised for Rs. 3,25,257.

In support of their contention, the applicant have filed an affidavit. The undersigned is satisfied that the original Exchange Control Copy of the licence No. P/D/2167242/S/IN/30/H/27-28 dt. 29-1-69 has been misplaced/lost and directs that duplicate Exchange Control Copy of the said licence should be issued to them. The Original Exchange Control Copy is cancelled. Duplicate Exchange Control Copy of the import licence is being issued separately.

[No. Swg. 20(1)/68-69/RM6]

A. N. CHATTERJI, Dy. Chief Controller

आदेश

नई दिल्ली, 25 जून, 1975

**क्र० प्रा० 2198.**—सर्वश्री मद्रास रिफाइनरीज लि०, मद्रास को सामान्य मुद्रा क्षेत्र से उत्प्रेरक (केटलिस्ट) के आयात के लिए 45,55,400/- रुपये मात्र मूल्य का एक आयात लाइसेंस संख्या: आई/ए/1398738/सी/एक्स/एक्स/51/एच/39-40, दिनांक 8-4-75 प्रदान किया गया था। उन्होंने उपर्युक्त आयात लाइसेंस की सीमाशुल्क निकासी प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी प्रति सीमाशुल्क कार्यालय मद्रास में पंजीकृत कराने और आंशिक उपयोग करने के बाद खो गई है। इसके समर्थन में आवेदक ने एक शपथपत्र दाखिल किया है। मैं संतुष्ट हूँ कि उपर्युक्त आयात लाइसेंस की मूल सीमाशुल्क निकासी प्रति खो गई है और यह कि इस की अनुलिपि आवेदक को जारी की जानी चाहिए।

समय समय पर यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की धारा 9 (सीसी) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए अधोहस्ताक्षरी 45,55,400/- रुपये मात्र मूल्य के आयात लाइसेंस संख्या: आई/ए/1398738/सी/एक्स/एक्स-51/एच/39-40, दिनांक 8-4-74 की सीमाशुल्क निकासी प्रति को 24,78,279/- रुपये मात्र की शेष धनराशि के साथ रद्द करते हैं।

[संख्या एमआर/44/73-74/पीएलएस(ए)/बीएलएस/34]

## ORDER

New Delhi, the 25th June, 1975

**S.O. 2198.**—M/s. Madras Refineries Ltd; Madras were granted an import licence No. I/A/1398738/C/XX/53/H/39.40 dated 8-4-74, for Rs. 45,55,400 only for the import of Catalyst from G.C.A. They have applied for issue of a duplicate Custom copy of import licence mentioned above on the ground that the original Custom Purpose Copy has been lost having been registered with Madras Custom House and utilised partially. In support of this, the applicant has filed an affidavit. I am satisfied that the original Custom Purpose Copy of import licence mentioned above has been lost and that duplicate copy thereof should be issued to the applicant.

In exercise of powers conferred on me under Clause 9 (cc) of the Import Trade (Control) Order No. 17/55 dated 7-12-1955 as amended from time to time, undersigned cancel the Custom copy of import licence No. I/A/1398738/C/XX/51/H/39.40 dated 8-4-74 for Rs. 45,55,400 only, with a balance of Rs. 24,78,279 only.

[F. No. MR/44/73-74/PLS (A)/GLS/34]

आदेश

**क्र० प्रा० 2199.**—सर्वश्री पंजाब ट्रैक्टर लि० नं० 10 सेक्टर 9-ए, चण्डीगढ़ (यू.टी.) को 15,400/- रुपये (पन्द्रह हजार चार सौ रुपये मात्र) के लिए एक आयात लाइसेंस संख्या: आई/ए/1406001/टी/ओआर/54/एच/39-40, दिनांक 3-1-75 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है। आने यह बताया गया है कि मूल मुद्रा विनियम नियंत्रण प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाई गई थी। वह शून्य रुपये के लिए उपयोग की गई थी और उस में दिनांक 14-2-75 को शेष 15,400 रुपये था।

इस तर्क के समर्थन में आवेदक ने शपथ अधिकारी चण्डीगढ़ के एक प्रमाणपत्र के साथ एक शपथ पत्र दाखिल किया है। मैं तदनुसार संतुष्ट हूँ कि उक्त लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश 1955, दिनांक 7-12-55 की उप-धारा 9(सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री पंजाब ट्रैक्टर चण्डीगढ़ को जारी किए गए लाइसेंस संख्या: आई/ए/1406001/टी/ओआर/54/एच-39-40, दिनांक 3-1-75 की मूल मुद्रा विनियम नियंत्रण प्रति को इसके द्वारा रद्द किया जाता है।

लाइसेंस धारी को उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति अलग से जारी की जा रही है।

[सं० पी०बी०टी०/5/74-75]

## ORDER

**S.O. 2199.**—M/s. Punjab Tractor Limited No. 10, Sector 9-A, Chandigarh (U.T.) were granted an import licence No. I/A/1406001/T/OR/54/H/39-40 dated 3-1-75 for Rs. 15,400 (Rupees fifteen thousand and four hundred only). They have applied for the issue of a duplicate Exchange Control Purposes Copy of the said licence on the ground that the original Exchange Control Purpose copy has been lost/misplaced. It is further stated that the original Exchange Control Copy was not registered with any Customs authorities. It was utilised for Rs. Nil and the balance available on it was Rs. 15,400 as on 14-2-1975.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Oath Commissioner Chandigarh. I am accordingly satisfied that the original Exchange Control Purposes Copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Exchange Control Purposes Copy of licence No. I/A/1406001 dated 31-1-1975 issued to M/s. Punjab Tractors Chandigarh is hereby cancelled.

3. A duplicate Exchange Control Purposes Copy of the said licence is being issued separately to the licence.

[No. PBT./5/74-75]

आदेश

**क्र० प्रा० 2200.**—सर्वश्री पंजाब ट्रैक्टर लि० नं० 10 सेक्टर 9-ए, चण्डीगढ़ (यू.टी.) को 18,300/- रुपये (अठारह हजार तीन सौ रुपये मात्र) के लिए एक आयात लाइसेंस संख्या: आई/ए/1406002/एस/आई एन/54/एच/39-40, दिनांक 3-1-75 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा विनियम नियंत्रण प्रति खो गई/अस्थानस्थ हो गई है।

आये यह बताया गया है कि मूल मुद्रा विनियम नियंत्रण प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं करवाई गई थी। यह शून्य रुपये के लिए उपयोग की गई थी और उस में दिनांक 14-2-75 को शेष 18,300/- रुपये था।

इस तर्क के समर्थन में आवेदक ने शपथ अधिकारी चण्डीगढ़ के एक प्रमाणपत्र के साथ एक शपथ पत्र दाखिल किया है। में तबनुसार संतुष्ट हूं कि उक्त लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश 1955, दिनांक 7-12-55 की उपधारा 9(सीसी) के अन्तर्गत प्रदत्त अधिकारों का प्रयोग कर सर्वश्री पंजाब ट्रैक्टर लिमिटेड चण्डीगढ़ को जारी किए गए लाइसेंस संख्या आई/ए/1406002/एस/आई एन/58/एच/39-40, दिनांक 3-1-75 की मूल मुद्रा विनियम नियंत्रण प्रति को इसके द्वारा रद्द किया जाता है।

लाइसेंसधारी को उक्त लाइसेंस की अनुलिपि मुद्रा विनियम नियंत्रण प्रति प्रलग से जारी की जा रही है।

[सं० पी बी टी/5/74-75]

### ORDER

**S.O. 2200.**—M/s. Punjab Tractors Limited No. 10 Sector 9-A, Chandigarh (U.T.) were granted an import licence No. I/A/1406002/S/IN/54/H/39-40 dated 3-1-75 for Rs. 18,300 (Rupees eighteen thousand and three hundred only). They have applied for the issue of a duplicate Exchange Control Purposes Copy of the said licence on the ground that the original Exchange Control Purposes Copy has been lost/misplaced. It is further stated that the original Exchange Control Copy was not registered with any Customs authorities. It was utilised for Rs. Nil and the balance available on it was Rs. 18,300 as on 14-2-75.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Oath Commissioner Chandigarh. I am accordingly satisfied that the original Exchange Control Purposes Copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-Clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-55 as amended the said original Exchange Control Purposes Copy of licence No. I/A/1406002/S/IN/54/H/39-40 dated 3-1-75 issued to M/s. Punjab Tractor Chandigarh is hereby cancelled.

3. A duplicate Exchange Control Purposes Copy of the said licence is being issued separately to the licensee.

[No. PBT/5/74-75]

### आदेश

नई दिल्ली, 4 जुलाई, 1975

**का० प्रा० 2201.**—नियंत्रक, स्टोर्स, दक्षिणी रेलवे, मद्रास को जापान से ट्रैक्टर मोटर ब्लोवर सेट आयात के लिए 5,14,964 रुपये का एक आयात लाइसेंस सं० जी/आर/2087512 दिनांक 6-3-70 स्वीकृत किया गया था। अब लाइसेंसधारी ने उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल प्रति किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नही करवाई गई थी और बिल्कुल उपयोग किए बिना ही खो गई/अस्थानस्थ हो गई है।

अपने आवेदन के समर्थन में आवेदक ने 5 रुपये के राजकोष बालान और क्षेत्रीय लाइसेंस अधिकारी की सिफारिश के साथ स्टाम्प कागज पर एक शपथ पत्र दाखिल किया है।

अधोहस्ताक्षरी संतुष्ट है कि लाइसेंस सं० जी/आर/2087512 दिनांक 6-3-70 की मूल सीमाशुल्क प्रयोजन प्रति आवेदक द्वारा खो गई/अस्थानस्थ

हो गई है और निदेश देती है कि आवेदक के नाम में अनुलिपि सीमाशुल्क प्रयोजन प्रति जारी की जानी चाहिए।

आयात लाइसेंस सं० जी/आर/2087512 दिनांक 6-3-70 की मूल सीमाशुल्क प्रयोजन प्रति इसके द्वारा रद्द की जाती है।

[सं० 92-सी०/रेलवे/69-70/ जी एन एस/39]

एस० के० उस्मानी, उप-मुख्य नियंत्रक

### ORDER

New Delhi, the 4th July, 1975

**S.O. 2201.**—An Import Licence No. G/R/2087512 dated 6-3-1970 for Rs. 5,14,964/- for the import of Traction motor blower set from Japan was issued in favour of Controller of Stores, Southern Railway, Madras. Now the licensee has requested for issue of a Duplicate Customs purposes copy of the same on the ground that the original has been lost/misplaced without having been registered with any Customs authority and fully unutilised.

In support of the request the applicant has filed an affidavit on stamped paper alongwith T.R. of Rs. 5/- and R.L.O.'s recommendation.

The undersigned is satisfied that the original Customs copy of licence No. G/R/2087512 dated 6-3-70 has been lost/misplaced by the applicant and directs that duplicate Customs copy should be issued in favour of the applicant.

The original Customs copy of Import Licence No. G/R/2087512 dated 6-3-70 is hereby cancelled.

[No. 92.C/Rly/69-70/GLS/39]

S. K. USMANI, Dy. Chief Controller

### आदेश

नई दिल्ली, 27 जून, 1975

**का० प्रा० 2202.**—सर्वश्री वि इंडियन एक्सप्लोस्विज लि० कानपुर को एक आयात लाइसेंस सं० पी०/सी० जी०/2068546 दिनांक 15-10-1973 प्रदान किया गया था। उन्होंने उक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि जारी करने के लिए इस आधार पर आवेदन किया है कि मूल मुद्रा नियंत्रण प्रति अस्थानस्थ हो गई/खो गई है। यह भी उल्लेख किया गया है कि मूल मुद्रा विनियम नियंत्रण प्रति सर्वश्री ग्राहन्डलेज बैंक लि० कानपुर में पंजीकृत की गई थी और उसका आंशिक उपयोग किया गया था। कुल धनराशि जिसके लिए लाइसेंस जारी किया गया था 3,74,000 रुपये (तीन लाख चौहत्तर हजार रुपये मात्र) है और वह धनराशि जिसके लिए मूल प्रति का उपयोग किया गया था 65,491.65 रुपये है। अब अनुलिपि प्रति आवश्यकता 3,08,508.35 रुपये (तीन लाख आठ हजार पांच सौ आठ रुपये पच्चीस पैसे मात्र) की शेष धनराशि के लिए है।

2. इस तर्क के समर्थन में आवेदक ने नोटरी पब्लिक कानपुर के सामने विधिवत् शपथ लेकर एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूं कि उक्त लाइसेंस की मूल मुद्रा विनियम नियंत्रण प्रति खो गई है इसलिए यथा संशोधित आयात (नियंत्रण) आदेश 1955 दिनांक 7-12-55 की उपधारा 9(सी सी) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए सर्वश्री इंडियन एक्सप्लोस्विज लि० कानपुर को जारी किए गए लाइसेंस सं० पी०/सी०/जी०/2068546 दिनांक 15-10-73 की उक्त मूल मुद्रा विनियम नियंत्रण प्रति एतद्वारा रद्द की जाती है।

3. उक्त लाइसेंस की मुद्रा विनियम नियंत्रण प्रति की अनुलिपि प्रलग से जारी की जा रही है।

[संख्या : 20(2)/73-74/सी० जी०-3/1097]

नन्द कुमार, संयुक्त मुख्य नियंत्रक

## ORDER

New Delhi, the 27th June, 1975

**S.O. 2202.**—M/s. The Indian Explosives Ltd; Kanpur were granted an import licence No. P/CG/2068546 dated 15-10-1973. They have applied for the issue of a duplicate Exchange Control purposes copy of the said licence on the grounds that the original Exchange Control purposes copy has been misplaced/lost. It is further stated that the original Exchange Control copy was registered with M/s. Grindlays Bank Ltd., Kanpur and utilised partly. The total amount for which the licence was issued is Rs. 3,74,000.00 (Rupees three lakhs seventy four thousand only) and the total amount for which the original copy was utilised is Rs. 65,491.65. The duplicate copy now required is to cover the balance of Rs. 3,08,508.35 (Rupees three lakhs eight thousand five hundred eight and paise thirty five only).

2. In support of this contention, the applicant has filed an affidavit duly sworn in before the Notary Public, Kanpur. I am accordingly satisfied that the original exchange control purpose copy of the said licence has been lost. Therefore, in exercise of powers conferred under sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended, the said original Exchange Control purposes copy of licence No. P/CG/2068546 dated 15-10-1973 issued to M/s. Indian Explosives Ltd., Kanpur is hereby cancelled.

3. A duplicate Exchange Control Purposes copy of the said licence is being issued separately.

[No. 20 (II)/73-74/CG-III/1097.]

NAND KUMAR, Joint Chief Controller

पेट्रोलियम और रसायन मंत्रालय

(पेट्रोलियम विभाग)

नई दिल्ली, 20 जून, 1975

**का० आ० 2203.**—यतः पेट्रोलियम पाइपलाइन (भूमि के उपयोग के अधिकार का प्रर्वेन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 3228 तारीख 7-12-74 द्वारा केन्द्रीय सरकार ने अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है:

और आशय यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय भारतीय तेल निगम लि० में सभी संघकों से मुक्त रूप में इस प्रकाशन की इस तारीख को निहित होगा।

45 GI/75—10.

## अनुसूची

तालुका : अनन्द

जिला : खेदा

गुजरात राज्य

गांव	सर्वेक्षण सं०	तक		
		एक	ए	बर्गमील
1	2	3		
वसव	792/ए	0	37	25
	791/बी	0	02	88
	29	0	00	80
	956	0	34	08
	15/15	0	10	25
	15/13	0	06	50
	15/10	0	05	75
	15/7	0	07	25
	15/8	0	09	23
	15/6	0	15	04
	15/1	0	18	33
	932	0	05	55
	976	0	06	07
	878	0	04	05
	876			
	1+2+3	0	09	11
	867/3	0	04	05
	867/1	0	08	09
	848/1	0	01	01
	843	0	05	06
	844/3	0	05	06
	845	0	05	06
	846	0	07	08
	749	0	02	02
	750	0	11	13
	751/1	0	04	05
	791	0	02	03
	790/1	0	07	08
	788	0	06	07
	787/3	0	06	07
	786	0	06	07
	783/1	0	08	10
	781	0	04	05
	782	0	01	01
	675	0	05	31
	677/1	0	08	50
	680	0	00	80
	682	0	00	96
	681	0	07	36
	661	0	03	50
	660	0	10	00



1	2	3	4	5
बसव	662	0	00	48
	659	0	00	16
	658	0	04	75
	647	0	04	96
	641	0	05	44
	642	0	00	08
	638/1	0	00	32
	640/2	0	06	40
	639/3	0	08	64
प्रवास	700	0	07	52
	698	0	13	44
	696	0	03	36
	694	0	05	28
	679	0	07	20
	662	0	05	08
	677	0	04	10
	663	0	00	80
	676	0	03	68
	675	0	04	14
	674	0	08	32
	666	0	03	36
	668	0	00	16
	670	0	02	72
	669	0	04	00
	671	0	02	02
	602	0	04	05
	603/3	0	01	01
	603/2	0	00	38
	603/1	0	02	75
	605	0	02	75
	604	0	01	05
	582	0	01	25
	580	0	03	84
	579	0	15	08
	575	0	01	60
	574	0	09	12
	563	0	02	02
	562	0	07	09
	565	0	03	52
	566/3	0	05	06
	566/2	0	02	88
	566/1	0	02	88
	567/2	0	07	09
	567/1	0	00	64
	554	0	04	05
	422/5	0	00	75
	429	0	07	00
	430	0	03	50
	442	0	05	00

1	2	3	4	5
प्रवास	441	0	02	25
	444	0	07	36
	445	0	01	60
	447	0	00	32
	446/6	0	03	20
	446/3	0	04	00
	446/2	0	02	08
	446/1	0	00	20
	452	0	03	68
	454	0	00	16
	453	0	05	28
	465	0	04	16
	462	0	05	44
	461	0	04	96
	460	0	00	12
	145	0	08	64
	165	0	00	80
	146/2	0	04	96
	146/1/बी	0	01	60
	146/1/ए	0	03	36
	147/1	0	04	64
	149	0	11	20
	150	0	07	20
	151	0	01	92
	152	0	04	48
	133	0	16	00
	130	0	11	52
भापाद (बल्लो)	597	0	01	01
	598	0	10	12
	601	0	09	10
	608	0	09	11
	609	0	07	08
	626	0	03	03
	628	0	08	09
बदोद	617	0	00	16
	606	0	12	00
	605	0	08	32
	604	0	09	44
	603	0	02	56
	602	0	02	28
	593/2	0	06	24
	593/1	0	00	96
	592	0	02	25
	594	0	05	76
	515	0	10	40
	516	0	10	75
	517	0	04	75

1	2	3	4	5	1	2	3	4	5
बदोद					बदोद				
						67/1	0	06	32
	502/3	0	01	75		1423	0	10	34
	502/2	0	04	80		1424	0	03	50
	501	0	07	36		1422	0	04	96
	500	0	07	00		1415	0	06	40
	499	0	01	25		1417/3	0	00	32
	449/5	0	00	25		1417/2	0	07	20
	449/4	0	03	50		1417/1	0	00	32
	449/3	0	01	37					
	450	0	06	85	हृदय	28/2	0	09	12
	451	0	06	75		28/1	0	00	64
	465/2	0	07	08		29/1/2	0	04	00
	465/1	0	05	25		29/1/1	0	01	60
	464	0	03	84		29/2/ए	0	01	76
	463	0	04	32		29/2/1बी	0	00	25
	461	0	06	24		25	0	00	32
	460	0	00	32		24	0	05	60
	257	0	01	96		23/2	0	03	68
	256	0	06	40		23 1	0	02	24
	255	0	01	92		22	0	00	50
	261	0	04	04		32	0	02	72
	263	0	10	24		33	0	10	40
	264	0	23	36		42	0	05	12
	266	0	26	40		41	0	04	35
	268/1	0	13	12		37	0	05	28
	269	0	00	58		38	0	02	72
	211	0	03	84		61	0	04	88
	202/ए/2	0	30	40		60/3	0	00	20
	202/ए/1	0	10	24		60/2	0	07	68
	203	0	23	04		60/1	0	06	40
	204	0	00	64		59/1	0	02	40
	200	0	08	00		64	0	01	60
	199	0	23	36		65	0	11	20
	198	0	04	80		68/31	0	06	08
	47/3	0	02	88		68/1	0	06	72
	48	0	05	92					
	49/6	0	00	08	आनन्द	1644	0	78	08
	49/5	0	03	36		1281	0	00	32
	49/4	0	04	44		1282	0	05	44
	49/3	0	02	08		1299	0	07	68
	49/2	0	00	40		1300/1	0	03	52
	60	0	05	76		1298/2	0	01	92
	61	0	02	72		1298/1	0	05	44
	62	0	03	84		1294	0	03	36
	64	0	03	84		1295	0	05	98
	65	0	15	04		1253	0	03	18
	70	0	08	35		1254	0	00	64
	67/3	0	00	08		1245	0	04	16
						1246	0	07	68

1	2	3	4	5	1	2	3	4	5
मानक					बकरोल				
	1240/3	0	00	96		2099	0	05	60
	1240/45	0	06	40		2104	0	00	80
	1240/3	0	03	63		2101	0	04	64
	1240/2	0	01	76		2123	0	04	48
	1241/3	0	00	32		2122	0	03	20
	1241/1	0	02	72		2134	0	08	00
	1238/1+2	0	06	40		2131	0	00	16
	1177	0	02	56		2135/1	0	05	92
	1176	0	08	00		2135/2	0	00	96
	1175	0	05	44		2136	0	05	60
	1174	0	00	16		2138	0	00	16
	1170	0	06	88		2139/3	0	11	52
	1168	0	01	28		2139/2	0	09	12
	1169	0	10	40		2139/1	0	03	04
	1147	0	03	48		2142	0	06	88
	1148	0	05	12		2144	0	13	28
	1032	0	02	56		2115	0	06	56
	1025	0	03	24		2605	0	08	09
	1023+1024	0	04	00		2208	0	04	05
	1022	0	01	92		2204/1	0	07	20
	1019	0	02	56		2205	0	00	04
	1018	0	03	20		2202	0	02	03
	1017	0	06	52		2203	0	12	60
	856	0	09	44		2200	0	00	80
	857	0	03	68		2194	0	00	32
	858	0	04	00		2193	0	22	52
	852	0	03	20		2184/1	0	10	68
	853	0	00	64		2184/2	0	02	24
	484+849	0	14	40		2279	0	19	36
	847	0	02	56		2280	0	00	64
	726	0	08	64		2272	0	03	91
	727	0	02	08		2277	0	03	91
	728	0	04	96		2276	0	07	28
	821	0	04	96		2275	0	05	20
	861+1+2	0	05	28		2318	0	00	16
	815	0	00	48		2274	0	10	24
	814	0	03	52		2319	0	11	52
	734/1 से 7	0	24	00		2438	0	13	28
	737	0	00	96		2439	0	08	80
	619	0	00	20		2436	0	15	36
	618	0	08	96		2498	0	20	00
						2500	0	11	52
						1817	0	00	32
						2506	0	36	80
बकरोल	2091	0	02	72		1810	0	10	88
	2090	0	07	04		1809	0	01	76
	2094	0	02	40		1806	0	00	96
	2089	0	03	68		1799	0	14	56
	2088	0	03	04		1798	0	06	40
						1794	0	04	48

Village	Survey No.	Extent		
		H.	A.	Sq. M.
	1800	0	07	52
	1671	0	08	96
	1672	0	22	56
	1674/1	0	08	00
	1674/3	0	04	16
	1675/2	0	11	84
	1676	0	07	04
	1607/1+2	0	08	96
	1609/1	0	04	00
	1808/12	0	03	68
	1608/3	0	11	04
	1595/2	0	00	76
	1584/1	0	10	12
	1583/पो	0	06	07
	1587	0	01	26
	1588	0	12	65
	1590	0	05	06
	1589	0	03	04
	1541	0	07	03
	1546	0	02	52
	1545	0	04	30
	1544	0	09	87
	1267	0	14	16
	1268	0	15	43
	1235	0	00	76
<hr/>				
वक्रोल	1274	0	01	77
	1234/पो	0	26	30
	1231	0	18	40
	1230	0	01	44
	1229	0	15	20
	1222	0	00	18
	1217	0	13	92
	1221	0	06	88
	1219	0	01	28
	1220	0	17	44

[सं. 12017/4/74-एल० एण्ड० एल०/1]

## MINISTRY OF PETROLEUM AND CHEMICALS

(Department of Petroleum)

New Delhi, the 20th June, 1975

**S.O. 2203.**—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 3228 Dated 7-12-1974 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now therefore in exercise of the Powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the powers conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

## SCHEDULE

Taluka : Anand	District : Kheda	Gujarat State.		
Village	Survey No.	Extent.		
		H.	A.	Sq. M.
<hr/>				
VASAD	972/A	0	37	25
	971/B	0	02	88
	29	0	00	80
	956	0	34	08
	15/14	0	10	25
	15/13	0	06	50
	15/10	0	05	75
	15/7	0	07	25
	15/8	0	09	23
	15/6	0	15	04
	15/1	0	18	33
	932	0	05	55
	976	0	06	07
	878	0	04	05
	876			
	1+2+3	0	09	11
	867/3	0	04	05
	867/1	0	08	09
	848/1	0	01	01
	843	0	05	06
	844/3	0	05	06
	845	0	05	06
	846	0	07	08
	749	0	02	02
	750	0	11	13
	751/1	0	04	05
	791	0	02	03
	790/1	0	07	08
	788	0	06	07
	787/3	0	06	07
<hr/>				
	786	0	06	07
	783/1	0	08	10
	781	0	04	05
	782	0	01	01
	675	0	05	31
	677/1	0	08	50
	680	0	00	80
	682	0	00	96
	681	0	07	36
	661	0	03	50
	660	0	10	00
	662	0	00	48
	659	0	00	16
	658	0	04	75
	647	0	04	96
	641	0	05	44
	642	0	00	08
	638/1	0	00	32
	640/2	0	06	40
	639/3	0	08	64
<hr/>				
ADAS	700	0	07	52
	698	0	13	44
	696	0	03	36
	694	0	05	28
	679	0	07	20

1	2	3	4	5	1	2	3	4	5
ADAS (Contd.)	662	0	06	08	VADOD (Cond.)	516	0	10	75
	677	0	04	10		517	0	04	75
	663	0	00	80		502/3	0	01	75
	676	0	03	68		502/2	0	04	80
	675	0	04	14		501	0	07	36
	674	0	08	32		500	0	07	00
	666	0	03	36		499	0	01	25
	668	0	00	16		449/5	0	00	25
	670	0	02	72		449/4	0	03	50
	669	0	04	00		449/3	0	01	37
	671	0	02	02		450	0	06	85
	602	0	04	05		451	0	06	75
	603/3	0	01	01		456/2	0	07	08
	603/2	0	00	58		465/1	0	05	25
	603/1	0	02	75		464	0	03	84
	605	0	02	75		461	0	04	32
	604	0	01	05		461	0	06	24
	582	0	01	25		460	0	00	32
	580	0	03	84		257	0	08	96
	579	0	15	08		256	0	06	40
	575	0	01	60		255	0	01	92
	574	0	09	12		261	0	04	04
	563	0	02	02		263	0	10	24
	562	0	07	09		264	0	23	36
	565	0	03	52		266	0	26	40
	566/3	0	05	06		268/1	0	13	12
	566/2	0	02	88		269	0	00	58
	566/1	0	02	88		211	0	03	84
	567/2	0	07	09		202/A/2	0	30	40
	567/1	0	00	64		202/A/1	0	10	24
	554	0	04	05		203	0	23	04
	422/5	0	00	75		204	0	00	64
	429	0	07	00		200	0	08	00
	430	0	03	50		199	0	23	36
	442	0	05	00		198	0	04	80
	441	0	02	25		47/3	0	02	88
	444	0	07	36		48	0	05	92
	445	0	01	60		49/6	0	00	08
	447	0	00	32		49/5	0	03	36
	446/6	0	03	20		49/4	0	01	44
	446/3	0	04	00		49/3	0	02	08
	446/2	0	02	08		49/2	0	00	40
	446/1	0	00	20		60	0	05	76
	452	0	03	68		61	0	02	72
	454	0	00	16		62	0	03	84
	453	0	05	28		64	0	03	84
	465	0	04	16		65	0	15	04
	462	0	05	44		70	0	08	35
	461	0	04	96		67/3	0	00	08
	460	0	00	12		67/1	0	06	32
	145	0	08	64		1423	0	10	34
	165	0	00	80		1424	0	03	50
	146/2	0	04	96		1422	0	04	96
	146/1/B	0	01	60		1415	0	06	40
	146/1/A	0	03	36		1417/3	0	00	32
	147/1	0	04	64		1417/2	0	07	20
	149	0	11	20		1417/1	0	00	32
	150	0	07	20	HADGOOD	28/2	0	09	12
	151	0	01	92		28/1	0	00	64
	152	0	04	48		29/2	0	04	00
	133	0	16	00		29/1	0	01	60
	130	0	11	52		29/2/1A	0	01	76
NAPAD (VANTO)	597	0	01	01		29/2/1B	0	00	25
	598	0	10	12		25	0	00	32
	601	0	09	10		24	0	05	60
	608	0	09	11		23/2	0	03	68
	609	0	07	08		23/1	0	02	24
	626	0	03	03		22	0	00	50
	628	0	08	09		32	0	02	72
VADOD	617	0	00	16		33	0	10	40
	606	0	12	00		42	0	05	12
	605	0	08	32		41	0	04	35
	604	0	09	44		37	0	05	28
	603	0	02	56		38	0	02	72
	602	0	02	28		61	0	04	88
	593/2	0	06	24		60/3	0	00	20
	593/1	0	00	96		60/2	0	07	68
	592	0	02	25		60/1	0	06	40
	594	0	05	76		59/1	0	02	40
	515	0	10	40		64	0	01	60

1	2	3	4	5
BAKROL	2605	0	08	09
(Contd.)	2208	0	04	05
	2204/1	0	07	20
	2205	0	00	04
	2202	0	02	03
	2203	0	12	60
	2200	0	00	80
	2194	0	00	32
	2193	0	22	52
	2184/1	0	19	68
	2184/2	0	02	24
	2279	0	19	36
	2280	0	00	64
	2272	0	03	91
	2277	0	03	91
	2276	0	07	28
	2275	0	05	20
	2318	0	00	16
	2274	0	10	24
	2319	0	11	52
	2438	0	13	28
	2439	0	08	80
	2436	0	15	36
	2498	0	20	00
	2500	0	11	52
	1817	0	00	32
	2506	0	36	80
	1810	0	10	88
	1809	0	01	76
	1806	0	00	96
	1799	0	14	56
	1798	0	06	40
	1794	0	04	48
	1800	0	07	52
	1671	0	08	96
	1672	0	22	56
	1674/1	0	08	00
	1674/3	0	04	16
	1675/2	0	11	84
	1676	0	07	04
	1607/1 +2	0	08	96
	1609/1	0	04	00
	1608/2	0	03	68
	1608/3	0	11	04
	1595/2	0	00	76
	1584/1	0	10	12
	1583/P	0	06	07
	1587	0	01	26
	1588	0	12	65
	1590	0	05	06
	1589	0	03	04
	1541	0	07	08
	1546	0	02	52
	1545	0	04	30
	1544	0	09	87
	1267	0	14	16
	1268	0	15	43
	1235	0	00	76
	1274	0	01	77
	1234/P	0	26	30
	1231	0	18	40
	1230	0	01	44
	1229	0	15	20
	1222	0	00	48
	1217	0	13	92
	1221	0	06	88
	1219	0	01	28
	1220	0	17	44

का० आ० 2204.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 3230 तारीख 7-12-74 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और आग, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुये केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद् द्वारा अर्जित किया जाता है;

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय भारतीय तेल निगम लि० में सभी संघकों से सुक्ष्म रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

तालुका : पधारी	जिला : राजकोट	गुजरात			
गांव	सर्वेक्षण सं०	तक			
		एच	ए	वर्गमील	
1	2	3	4	5	
हृदमातिया	209	0	27	43	
	208	0	03	40	
	134	0	15	00	
	140	0	15	54	
	136	0	23	96	
	139	0	10	97	
	138	0	47	01	
	116	0	23	84	
	118	0	04	57	
	109	0	20	00	
	108	0	09	14	
	107	0	40	05	
	86	0	25	61	
	84	0	24	87	

1	2	3	4	5
मोती-चनोव	51	0	44	65
	52	0	08	78
	50/1	0	19	76
	50/2	0	17	38
	49/1	0	23	70
	49/2	0	31	29
	48/1	0	16	47
	48/2	0	16	47
	43	0	27	45
	44	0	45	75
	4	0	15	37
तनी-चनोव	1 पी	0	81	25
वनपरी	61 पी	0	18	30
	60 पी/1	0	17	38
	60 पी/2	0	18	30
	59 पी/1	0	55	81
	59 पी/2	0	27	45
	58 पी	0	18	30
	56 पी	0	27	45
	52 पी	0	55	99
	49 पी	0	35	31
	48 पी	0	37	43
	47 पी/1	0	38	24
	47 पी/2	0	31	31
	47 पी/3	0	32	94
	45 पी	0	01	28
	44 पी	0	22	87
	43 पी	0	02	00
	40 पी	0	25	25
	39 पी	0	27	81
	38 पी	0	35	75
	34 पी	0	50	32
	33 पी	0	29	26
बोदी-बोदी	120 पी	0	14	94
	117 पी	0	27	15
	116 पी	0	16	83
	115 पी	0	32	94
	113	0	14	64
पधारी	18	0	15	48
	442	0	22	86
	60	0	10	08
	447	0	30	60
	57	0	18	80
	448	0	21	60
	79	0	07	74
	78	0	09	18



1	2	3	4	5
	74	0	22	50
	75	0	09	25
	161	0	29	00
	159	0	29	86
	155	0	39	00
	152	0	36	70
	150	0	09	00
	147	0	29	70
	143	0	08	20
	144	0	00	09
	142	0	27	44
	139	0	66	72
	137	0	83	00
	129	0	10	00

रामपार सोटा	183 पी	0	28	80
	184	0	48	50
	181	0	07	32
	177	0	35	10
	178	0	10	06
	176	0	26	53
	168/2	0	35	87
	169/2	0	21	96
	158	0	52	19
	157	0	34	00
	153/1	0	03	23
	151	0	04	08
	152	0	23	42
	149	0	24	09
	148	0	21	04

दूनगरका	85		32	94
	84	0	36	60
	83	0	31	11
	82	0	03	29
	78	0	43	37
	77	0	05	12
	76	0	35	70
	75	0	14	64
	58/2	0	28	00
	58/1	0	40	26
	57पी	0	55	81

बघी	27	0	42	00
	28पी/1	0	40	00
	28पी/2	0	17	00
	20पी/1	0	27	00
	20 पी/2	0	18	00
	19	0	18	00

1	2	3	4	5
	18	0	19	00
	77 से 82	0	24	00
	83	0	24	00
	75	0	40	00
	74	0	28	00
	86	0	12	60
	93	0	08	10
	94	0	16	00
	105	0	07	20
	104	0	18	00
	102	0	10	80
	103	0	07	20
	109	0	18	00

[सं. 12017/4/74-एल० एड एल०-3]

S.O. 2204.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 3230 dated 7-12-1974 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act 1962 (50 of 1962) the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification;

Now, therefore, in exercise of the Powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines;

And further in exercise of the power conferred by sub-section (4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on the date of the publication of this declaration in the Indian Oil Corporation Limited free from all encumbrances.

## SCHEDULE

Taluka : Paddhari District: Rajkot. Gujarat State

Village	Survey No.	Extent		
		H.	A.	Sq. M.
Hadmatia	209	0	27	43
	208	0	03	40
	134	0	15	00
	140	0	15	54
	136	0	23	69
	139	0	10	97
	138	0	47	01
	116	0	23	84
	118	0	04	57
	109	0	20	00
	108	0	09	14
	107	0	40	05
	86	0	25	61
	84	0	24	87

Village	Survey No.	Extent		
		H.	A.	Sq. M.
Moti-Chanol	51	0	44	65
	52	0	08	78
	5/1	0	19	76
	50/2	0	17	38
	49/1	0	23	70
	49/2	0	31	29
	48/1	0	16	47
	48/2	0	16	47
	43	0	27	43
	44	0	43	75
	4	0	15	37
Nani-Chanol	1 P	0	81	25
Vanpari	61 P	0	18	30
	60 P/1	0	17	38
	60 P/2	0	18	30
	59 P/1	0	35	81
	59 P/2	0	27	45
	58 P	0	18	30
	56 P	0	27	45
	52 P	0	55	99
	49 P	0	35	31
	48 P	0	37	43
	47 P/1	0	38	24
	47 P/2	0	31	31
	47 P/3	0	32	94
	45 P	0	01	28
	44 P	0	22	87
	43 P	0	02	00
	40 P	0	25	25
	39 P	0	27	81
	38 P	0	35	75
	34 P	0	50	32
	33 P	0	29	26
Bodighodi	120 P	0	14	94
	117 P	0	27	45
	116 P	0	16	83
	115 P	0	32	94
	113 P	0	14	64
Paddahari	18	0	15	48
	442	0	22	86
	60	0	10	08
	447	0	30	60
	57	0	18	80
	448	0	21	60
	79	0	07	74
	78	0	09	18
	74	0	22	50
	75	0	09	25
	161	0	29	00
	159	0	29	86
	155	0	39	00
	152	0	36	70
	150	0	09	00
	147	0	29	70
	143	0	08	20
	144	0	00	09
	142	0	27	44
	139	0	66	72
	137	0	83	00
	129	0	10	00
Rampar Mota	183 P	0	28	80
	184	0	48	50
	181	0	07	32
	177	0	35	10
	178	0	10	06
	176	0	26	53
	168/2	0	35	87
	169/2	0	21	96
	158	0	52	19
	157	0	34	00
	153/1	0	03	23
	151	0	04	08
	152	0	23	42
	149	0	24	09
	148	0	21	04

Village	Survey No.	Extent		
		H.	A.	Sq. M.
Dungarka	85	0	32	94
	84	0	36	60
	83	0	31	11
	82	0	03	29
	78	0	43	37
	77	0	05	12
	76	0	35	70
	75	0	14	64
	58/2	0	28	00
	58/1	0	40	26
	57 P	0	55	81
Baghl	27	0	42	00
	28 P/1	0	40	00
	28 P/2	0	17	00
	20 P/1	0	27	00
	20 P/2	0	18	00
	19	0	18	00
	18	0	19	00
	77 to 82	0	24	00
	83	0	24	00
	75	0	40	00
	74	0	28	00
	86	0	12	60
	93	0	08	10
	94	0	16	00
	105	0	07	20
	104	0	18	00
	102	0	10	80
	103	0	07	20
	109	0	18	00

[No. 12017/4/74-L&amp;L/III]

नई दिल्ली, 30 जून, 1975

कां०सा० 2203.—यतः पैट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अधिनियम) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पैट्रोलियम और रसायन मंत्रालय (पैट्रोलियम विभाग) की अधिसूचना कां०सा० सं० 2009 तारीख 8-7-74 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था;

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है;

और भाने, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद् द्वारा अर्जित किया जाता है।

और, भाने उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में सभी विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी संघों से मुक्त, रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## धनुसूची

जी०एस०एन० के 70 से जी०जी० एस० कम सी०टी०एफ० काशी तक पाइपलाइन बिछाने के लिये।

राज्य : गुजरात जिला : मेहसाना तालुका : काशी

गांव	सर्वेक्षण संख्या	हेक्टर	ए.घार ई	सैण्टीयर
चलासन	92	0	17	28
कार्ट ट्रैक		0	00	90
87		0	01	92
110/2		0	10	80
108/2		0	07	44
108/1		0	07	62
107/1		0	05	52

[सं० 12016/2/74-एस०एच एल०]

S.O. 2205.—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S.O. No. 2009 dated 8-7-74 under sub-section (I) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines ;

And further, in exercise of the powers conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

## SCHEDULE

Pipeline from D.S. NK-70 to GGS-cum-CTF Kadi.

State : Gujarat District : Mehsana Taluka : Kadi

Village	Survey No.	Hec-tare	Are.	Centi-are
Chalasan	92	0	17	28
	Cart-track	0	00	90
	87	0	01	92
	110/2	0	10	80
	108/2	0	07	44
	108/1	0	07	62
	107/1	0	05	52

[No. 12016/2/74-L&L]

का० भा० 2206.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का धर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन

मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०भा० सं० 3418 तारीख 16-12-74 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न धनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पार्ष्व लाइन को बिछाने के प्रयोजन के लिये धर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे सी है।

और धागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न धनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार धर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्द्वारा घोषित करती है कि इस अधिसूचना से संलग्न धनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्द्वारा धर्जित किया जाता है।

और, धागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के कारण बजाय तेल और प्राकृतिक गैस धागों में, सभी संघकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## धनुसूची

जी०जी० एस० व सी०टी० एफ० से कुर्मा सं० एन० के०-36 तक पाइप-लाइन बिछाने के लिये।

राज्य : गुजरात जिला : मेहसाना/अहमदाबाद तालुका : काशी/वीरमगम

गांव	सर्वेक्षण सं०	हेक्टर	ए.घार ई	सैण्टीयर
चलासन	93	0	46	68
	91/1	0	12	48
	91/2	0	13	20
	84/2	0	14	40
	84/1	0	05	28
बलसासन	250/1	0	17	76
	249	0	26	16
	248/8	0	03	60
	248/7	0	03	60

[सं० 12016/17/74-एस०एच एल०/2]

S.O. 2206.—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S. O. No. 3418 dated 16-12-74 under sub-section (I) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government ;

And further whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the Power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines ;

And further, in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

### SCHEDULE

For Laying Pipeline From GGS-Cum-Ctf to Well  
No. NK-36

State - Gujarat District : Mehsana/Ahmedabad

Taluka:Kadi  
Virangam

Village	Survey No.	Hec- tare	Are.	Cen- tiare
Chalasan	93	0	46	68
	91/1	0	12	48
	91/2	0	13	20
	84/2	0	14	40
	84/1	0	05	28
Balsasan	250/1	0	17	76
	249	0	26	16
	248/8	0	03	60
	248/7	0	03	60

[No. 12016/17/74-L&L/II]

का० आ० 2207.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का० आ० सं० 3235 तारीख 19-11-74 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद् द्वारा अर्जित किया जाता है।

और, आगे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में बंझित होने के बजाय भारतीय तेल निगम लि० में सभी संषकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

### अनुसूची

डी०एस० नं० जी०के० से धोलका -1 तक पाइप लाइन बिछाने के लिये

राज्य : गुजरात जिला : काथरा तालुका : नातार

गांव	सर्वेक्षण सं०	हेक्टर	एअर ई	सेटीयर
राष्ट्र	996	0	04	95
	1000	0	06	75
	999	0	09	60
	998	0	11	40
	986/पी०	0	10	50
	986/पी०	0	08	60
	985/1	0	04	56
	955/1	0	07	08
	955/2	0	00	10
	955/3	0	00	80
	955/4	0	06	50
	949	0	11	25
	888/1	0	02	40
	840/1	0	08	40
	840/2	0	04	08
	885	0	13	00
	कार्टे ट्रक	0	00	60
	884/1	0	10	40
	84/2	0	00	35
	883/5	0	10	10
	883/7	0	08	20
	856/6	0	02	00
	856/7	0	09	60
	848/1	0	03	50
	855/2	0	04	00
	855/1	0	06	70
	851/1	0	12	80
	851/4	0	06	60

[सं० 12016/10/74-एस०एंडएल०/4]

S.O. 2207.—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S. O. No. 3235 dated 19-11-74 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the Competent Authority has under sub section (1) of section 6 of the said Act, submitted report to the Government ;

And further whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines ;

And further in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

#### SCHEDULE

For laying pipeline from D.S. No. DK to Dhokla-1

State : Gujarat District : Kaira Tulka - Matar

Village	Survey No.	Hec-tare.	Are.	Centiare
Radhu	996	0	04	95
	1000	0	06	75
	999	0	09	60
	998	0	11	40
	986/P	0	10	50
	986/P	0	08	60
	985/1	0	04	56
	955/1	0	07	08
	955/2	0	00	10
	955/3	0	00	80
	955/4	0	06	50
	949	0	11	25
	888/1	0	02	40
	840/1	0	08	40
	840/2	0	04	08
	885	0	13	00
	Cart track	0	00	60
	884/1	0	10	40
	884/2	0	00	35
	883/5	0	10	10
	883/7	0	08	20
	856/6	0	02	00
	856/7	0	09	60
	848/1	0	03	50
	855/2	0	04	00
	855/1	0	06	70
	851/1	0	12	80
	851/4	0	06	60

[No. 12016/10/74-L&L/IV]

का० प्रा० 2208.—यतः पेट्रोलियम, पाइप लाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना का०प्रा० सं० 3419 तारीख 16-12-74 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे सी है।

और प्रागे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और, प्रागे उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय तेल और प्राकृतिक गैस आयोग में, सभी संघर्षों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

कुम्भा सं० 36 से सी० टी० एक से एन० के 53 तक पाइप बिछाने के लिये

राज्य : गुजरात जिला : ग्रहमदाबाद तालुका : वीरमगाम

गांव	सर्वेक्षण संख्या	हेक्टर	ए.मार्स	सेंटियर
बलसासन	250	0	03	12
	246/4	0	04	80
	246/1	0	04	44
	244	0	06	60

[सं० 12016/12/74-एल० एंड एल०]

S.O. 2208.—Whereas by a notification of the Govt. of India in the Ministry of Petroleum and Chemicals (Department of Petroleum) S. O. No. 3419 dated 16-12-74 under sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the Right of User in the lands specified in the schedule appended to that notification for the purposes of laying pipelines.

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Government ;

And further whereas, the Central Government has after considering the said report, decided to acquire the right of user in the lands specified in the schedule appended to this notification ;

Now, therefore, in exercise of the Power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipelines ;

And further in exercise of the power conferred by sub-section (4) of that Section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government vest on this date of the publication of this declaration in the Oil & Natural Gas Commission free from all encumbrances.

#### SCHEDULE

For Laying pipeline from well No36 to CTF to NK-53

State : Gujarat District - Ahmedabad Taluka - Viramgam

Village	Survey No.	Hec-tare	Are.	Centiare
Balanasan	250	0	03	12
	246/4	0	04	80
	246/1	0	04	44
	244	0	06	60

[No. 12016/12/74-L&L]

## सूचि-पत्र

नई दिल्ली, 1, जुलाई 1975

क्रा० सा० 2209—पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) के अन्तर्गत भारत सरकार पेट्रोलियम और रसायन मंत्रालय द्वारा जारी अधिसूचना क्रा० सा० सं० 545 संख्या 12017/7/74-एल०एल० एल० दिनांक 3 फरवरी, 1975 के संलग्न अनुसूची में भारत सरकार के राज्यघात (ii) खण्ड 3(ii) दिनांक 22-2-75 में प्रकाशित तालुका दसकरोई जिला अहमदाबाद, गुजरात राज्य के निम्न:

गाँव: बरेजा । तालुका: दसकरोई जिला: अहमदाबाद गुजरात: राज्य

के स्थान पर		पढ़ें,	
क्रम संख्या	क्षेत्र	क्रम संख्या	क्षेत्र
1810/1	0-50-00	1810/1	0-05-00
2. गाँव: जेतलपुर तालुका: दसकरोई जिला: अहमदाबाद गुजरात: राज्य			
क्रम सं०	क्षेत्र	क्रम सं०	क्षेत्र
279	0-11-13	279	0-13-28
280/2	0-01-01	280/2	0-05-12
1910	0-04-30	1910	0-03-68
3. गाँव: बकरोल बदराबाद तालुका: दसकरोई जिला: अहमदाबाद गुजरात: राज्य			
409	0-10-64	409	0-00-64

[सं० 12017/7/74-एल० एल० एल०/1]

## ERRATUM

New Delhi, the 1st July, 1975.

S.O. 2209.—In the schedule appended to the notification of the Government of India, Ministry of Petroleum & Chemicals S.O. No. 545 No. 12017/7/74-L&L dated 3rd February, 1975, issued under Sub-Section (1) of Section 3 of the Petroleum Pipelines (Acquisition of Right of user in Land) Act, 1962 (30 of 1962) published at pages 693-695 dated 22-2-75 of the Gazette of India part II Section (311 for Taluka Daskroi, District Ahmedabad, Gujarat State.

Village : Bareja Taluka : Daskroi Dist. Ahmedabad  
Gujarat State

For		Read	
S.No.	Area.	S.No.	Area.
1810/1	0-50-00	1810/1	0-05-00
2. Village Jetalpur Taluka Daskroi Dist. Ahmedabad Gujarat State			
279	0-11-13	279	0-13-28
280/2	0-01-01	280/2	0-05-12
1910	0-04-30	1910	0-03-68
3. Village Bakrol Badraabad Taluka Daskroi Dist. Ahmedabad.			
409	0-10-64	409	0-00-64

[No. 12017/7/74-L&amp;L/1]

नई दिल्ली, 2 जुलाई, 1975

क्रा० सा० 2210.—यतः पेट्रोलियम, पाइपलाइन (भूमि के उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50 की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और रसायन मंत्रालय (पेट्रोलियम विभाग) की अधिसूचना क्रा० सा० सं० 545 तारीख 22 फरवरी, 75 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग के अधिकार को पाइप लाइनों को बिछाने के प्रयोजन के लिए अर्जित करने का अथवा प्रत्यक्ष घोषित कर दिया था।

और यतः सक्षम प्राधिकारी के उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और ध्याते, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनियमन किया है।

अतः, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद् द्वारा घोषित करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइप लाइन बिछाने के प्रयोजन के लिए एतद् द्वारा अर्जित किया जाता है।

और, ध्याते उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में विहित होने के बजाय भारतीय तेल निगम लि० में सभी संघकों से मुक्त रूप में, इस घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

तालुका: दसकरोई जिला: अहमदाबाद गुजरात: राज्य

गाँव	सर्वेक्षण सं०/ब्लाक सं०	तक			
		एच/	ए/	बर्गमील	
1	2	3	4	5	
बरेजा	1762	0	02	58	
	1763	0	18	00	
	1764	0	01	01	
	1765	0	13	15	
	1767	0	10	50	
	1768	0	02	58	
	1782/1	0	06	35	
	1782/2	0	01	00	
	1781	0	04	80	
	1785	0	14	68	
	1786	0	12	63	
	1812	0	06	32	
	1811	0	09	00	
	1810/1	0	05	00	
	1810/2	0	06	00	
	1809	0	06	25	
	1807/2	0	06	07	
	1806	0	04	55	
	1861/1	0	18	21	
	1862	0	19	24	
	1868	0	03	55	
	2070	0	02	03	
	2071/1	0	08	00	

1	2	3	4	5	1	2	3	4	5
बरेली	2071/4	0	03	00		1436/2	0	09	72
	2071/5	0	01	00		1435/पी	0	04	69
	2072/1	0	00	73		1435/पी	0	06	72
	2072/2	0	07	00		1414/1	0	11	52
	2073/1	0	06	14		1414/2	0	05	80
	2073/2	0	06	00		1413/2	0	00	20
	2073/3	0	00	50		1852	0	00	48
	2080	0	14	40		1853/2	0	02	72
	2079/1	0	06	23		1405/1	0	04	00
	2084	0	16	00		1406	0	10	40
	2085/1	0	01	00		1407/पी	0	10	30
	2085/2	0	18	00		1408	0	10	24
	2086	0	16	00		1409	0	00	18
	2087	0	03	50		1393	0	14	00
	2161	0	10	50		1369	0	11	00
	2152	0	09	75		1368	0	07	34
	2153	0	22	00		1367	0	00	80
	2186/1	0	02	25	नाम	208	0	25	44
	2177/2	0	03	00		207	0	02	92
	2177/3	0	03	80		204	0	12	00
	2178/1	0	07	33		203	0	00	48
	2179/1	0	02	00		199	0	08	80
	2179/2	0	05	00	नाम	174	0	00	80
	1279/3	0	08	00		202	0	07	04
	2181/1	0	03	00		200	0	00	12
	2181/2	0	04	00		201	0	12	00
अंतलपुर	282/1	0	03	29		195	0	08	80
	282/2	0	10	00		188	0	02	24
	279	0	13	28		183	0	07	04
	280/2	0	05	12		162	0	04	98
	1910	0	03	68		181	0	10	00
	1569	0	21	25		175	0	03	60
	1870	0	13	15		158	0	01	92
	1582	0	09	11		157	0	18	98
	1581	0	09	11		44	0	01	12
	1580	0	01	51		46	0	08	80
	1586/2	0	00	25		47	0	06	88
	1587	0	08	00		74	0	11	04
	1593/2	0	09	11		110	0	08	64
	1590	0	05	06	जो की है	667	0	11	20
	1591/3	0	06	07		668	0	58	68
	1559	0	03	04		669	0	57	42
	1558/1	0	02	24		657	0	22	32
	1558/2	0	06	10		681	0	61	20
	1557	0	06	00		676	0	03	52
	1601/पी	0	03	52		677	0	16	00
	1601/द पी	0	05	92		673	0	23	21
	1600/1	0	01	60		689	0	19	52
	1602/1	0	09	92		690	0	19	17
	1602/2	0	05	92		49	0	07	04
	1626/पी	0	14	86		44	0	34	00
	1627/पी	0	04	96		43	0	24	98
	1631/1	0	04	00		41	0	01	60
	1631/3	0	13	92		38	0	10	56
	1682	0	00	80		40	0	08	00
	1633	0	01	28		81	0	10	58
	1641/2	0	08	00		80	0	04	00
	1634/पी	0	05	92		79	0	02	56
	1640/पी	0	03	36		78	0	05	92
	1636	0	02	72		82	0	01	60
	1638/4	0	04	96		83	0	05	20
	1637/2	0	08	96		84	0	08	32
	1649	0	14	86		85	0	00	80
	1650/1	0	11	13		98	0	00	08
अंतलपुर (सगातार)	1480	0	04	96		97	0	07	86
	1447/पी	0	10	86		86	0	02	58



1	2	3	4	5	1	2	3	4	5
	95	0	07	04		143	0	08	32
	91	0	00	16		144	0	30	88
	94	0	09	12		68	0	46	56
	93	0	01	44		65	0	08	16
	114	0	11	00					
	116	0	07	52	बकरोल-बदराबाद	54	0	04	80
प्रो बी ई	143	0	27	36		55	0	15	84
	156	0	15	20	विसलपुर	195	0	78	84
	155	0	08	96		187/1	1	04	00
	161	0	21	12	बंजर	167	0	10	00
	162	0	00	64	फतेबादी	129 से 137	}	0	40
	163	0	15	20		और			
	160	0	00	40		139 से 145	}	0	60
	181	0	16	32		148, 149 और			
	180	0	15	18		158 से 163	}	0	28
	183	0	07	68					
	184	0	09	60		153	0	18	08
करामोद	158	0	54	40		154	0	18	08
	162	0	25	60	[सं० 12017/7/74-एल एण्ड एल/2]				
	156	0	04	64	टी० पी० सुब्रह्मन्यन, प्रवर सचिव।				
	163	0	08	48	New Delhi, the 2nd July, 1975				
	179	0	24	32	S.O. 2210.—Whereas by a notification of the Govt. of India				
	184	0	27	36	in the Ministry of Petroleum and Chemicals (Department of				
	183	0	13	60	Petroleum) S. O. No. 545 dated 22-2-75 under sub-section				
	195	0	06	72	(I) of section 3 of the Petroleum Pipelines (Acquisition of				
	222	0	16	48	Right of user in land) Act, 1962 (50 of 1962), the Central				
	223	0	13	44	Government declared its intention to acquire the Right of				
	209	0	11	36	User in the lands specified in the schedule appended to that				
	210	0	01	98	notification for the purpose of laying pipelines.				
	206	0	22	72	And whereas the Competent Authority has under sub-				
	204	0	12	48	section (1) of section 6 of the said Act, submitted report to				
	203	0	02	08	the Government ;				
बकरोल-बदराबाद	416	0	20	36	And further whereas the Central Government has				
	415	0	07	84	after considering the said report, decided to acquire the right				
	409	0	00	64	of user in the lands specified in the schedule appended to this				
	410	0	24	16	notification ;				
	411	0	17	28	Now therefore in exercise of the Power conferred by				
	325	0	19	36	sub-section (1) of the section 6 of the said Act, the Central				
	426	0	32	96	Government hereby declares that the right of user in the said				
	327	0	23	36	lands specified in the schedule appended to this notification				
	330	0	09	12	hereby acquired for laying the pipelines ;				
	332	0	51	84	And further in exercise of the power conferred by				
	333	0	08	16	sub-section (4) of that Section, the Central Government directs				
	339	0	04	16	that the right of user in the said lands shall instead of vesting				
	288	0	40	16	in the Central Government vest on the date of the publication				
	272	0	11	20	of this declaration in the Indian Oil Corporation Limited				
	205	0	11	68	free from all encumbrances.				
	204	0	09	44	SCHEDULE				
	203	0	14	40	Taluka : Daskroi District - Ahmedabad Gujarat State				
	201	0	10	40	Village				
	177	0	07	36	Survey No.				
	198	0	25	12	Block No.				
	193	0	26	40	Extent				
	182	0	16	64	H. A. Sq.M				
	141	0	11	20	Bareja				
	142	0	11	04	1762				
					1763				
					1764				
					1765				
					1767				
					1768				

1	2	3	4	5	1	2	3	4	5
Bareja	1782/1	0	05	35	Jetal Puur	1450	0	04	96
	1782/2	0	01	00		1447 P	0	10	86
	1781	0	04	80		1436/2	0	09	72
	1785	0	14	68		1435 P	0	04	69
	1786	0	12	63		1435 P	0	06	72
	1812	0	06	32		1414/1	0	11	52
	1811	0	09	00		1414/2	0	05	80
	1810/1	0	05	00		1413/2	0	00	20
	1810/2	0	06	00		1852	0	00	48
	1809	0	06	25		1853/2	0	02	72
	1807/2	0	06	07		1405/1	0	04	00
	1806	0	04	55		1406	0	10	40
	1861/1	0	18	21		1407 P	0	10	30
	1862	0	19	24		1408	0	10	24
	1868	0	03	55		1409	0	00	16
	2070	0	02	03		1393	0	14	00
	2071/1	0	08	00		1369	0	11	00
	2071/4	0	03	00		1368	0	07	34
	2071/5	0	01	00		1367	0	00	80
	2072/1	0	00	75					
	2072/2	0	07	00					
	2073/1	0	06	14	Naj	208	0	25	44
	2073/1	0	06	00		207	0	02	92
	2073/3	0	00	50		204	0	12	00
	2080	0	14	40		203	0	00	48
	2079/1	0	06	25		199	0	08	80
	2084	0	16	00		174	0	00	80
	2085/1	0	01	00		202	0	07	80
	2085/2	0	18	00		200	0	00	04
	2086	0	16	00		201	0	12	00
	2087	0	03	50		195	0	08	80
	2151	0	10	50		168	0	02	24
	2152	0	09	75		163	0	07	04
	2153	0	22	00		162	0	04	96
	2186/1	0	02	25		161	0	10	00
	2177/2	0	03	00		175	0	05	60
	2177/3	0	05	80		158	0	01	92
	2178/1	0	07	33		157	0	16	96
	2179/1	0	02	00		44	0	01	12
	2179/2	0	05	00		46	0	08	80
	2179/3	0	08	00		47	0	06	88
	2181/1	0	03	00		74	0	11	04
	2181/2	0	04	00		110	0	08	64
Jetalpur	282/1	0	03	29	Ode	667	0	11	20
	282/2	0	10	00		668	0	58	68
	279	0	13	28		669	0	57	42
	280/2	0	05	12		657	0	22	32
	1910	0	03	68		681	0	61	20
	1569	0	21	25		676	0	03	52
	1570	0	13	15		677	0	16	00
	1582	0	09	11		673	0	23	21
	1581	0	09	11		689	0	19	52
	1580	0	01	51		690	0	19	17
	1586/2	0	00	25		49	0	07	04
	1587	0	08	00		44	0	34	00
	1593/2	0	09	11		43	0	24	96
	1590	0	05	06		41	0	01	60
	1591/3	0	06	07		38	0	10	56
	1559	0	03	04		40	0	08	00
	1558/1	0	02	24		81	0	10	56
	1558/2	0	06	10		80	0	04	00
	1557	0	06	00		79	0	02	56
	1601 P	0	03	52		78	0	05	92
	1601 P	0	05	92		82	0	01	60
	1600/1	0	01	60		83	0	05	20
	1602/1	0	09	92		84	0	08	32
	1602/2	0	10	92		85	0	00	80
	1626 P	0	14	86		98	0	00	08
	1627 P	0	14	96		97	0	07	84
	1631/1	0	04			86	0	02	56
	1631/3	0	13	52		95	0	07	04
	1682	0	00	80		91	0	00	16
	1633	0	01	28		94	0	09	12
	1641/2	0	08	00		93	0	01	44
	1634 P	0	05	92		114	0	11	00
	1640 P	0	03	36		116	0	07	52
	1636	0	02	72		143	0	27	36
	1638/4	0	04	96		156	0	15	20
	1637/2	0	08	96		155	0	08	19
	1649	0	14	86		161	0	21	12
	1650/1	0	11	13					

1	2	3	4
Ode	162	0 00	64
	163	0 15	20
	160	0 00	40
	181	0 16	32
	180	0 15	18
	183	0 07	68
	184	0 09	60
Kamod	158	0 54	40
	162	0 25	60
	156	0 04	64
	163	0 08	48
	179	0 24	32
	184	0 27	36
	183	0 13	60
	195	0 06	72
	222	0 16	48
	223	0 13	44
	209	0 11	36
	210	0 01	98
	206	0 22	72
	204	0 12	48
	203	0 02	08
Bakol-Badrabad	416	0 20	36
	415	0 07	84
	409	0 00	64
	410	0 24	16
	411	0 17	28
	325	0 19	36
	326	0 32	96
	327	0 23	36
	330	0 09	12
	332	0 51	84
	333	0 08	16
	339	0 04	16
	288	0 40	16
	272	0 11	20
	205	0 11	68
	204	0 09	44
	203	0 14	40
	201	0 10	40
	177	0 07	36
	198	0 25	12
	193	0 26	40
	182	0 16	64
	141	0 11	20
	142	0 11	04
	143	0 08	32
	144	0 30	88
	68	0 46	56
	65	0 08	16
	54	0 04	80
	55	0 15	84
Vaisalpur	195	0 78	84
	187/1	1 04	00
Vanzar	167	0 10	00
Fatewadi	129 to 137 and	0 40	64
	139 to 145		
	148, 149 and	0 60	00
	158 to 163		
	153	0 28	32
	154	0 18	08

[No. 12017/7/74-L&amp;L-II]

T. P. SUBRAHMANYAN, Under Secy.

नई दिल्ली, 24 जून, 1975

का० प्रा० 2211.—यतः इस संलग्न अनुसूची में विनिर्दिष्ट और पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) अधिनियम, 1962 की धारा 6 की उपधारा (1) के अधीन प्रकाशित भारत

सरकार की अधिसूचना द्वारा गुजरात राज्य में मेहसाना तेल क्षेत्र से व्ययधन जी० जी० एम० सानन्व से सी० टी० एफ० कलोल तक पेट्रोलियम के परिवहन के लिये उस संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित कर लिया है।

और यतः तेल और प्राकृतिक गैस आयोग ने 8-11-74, 5-11-74, 24-10-74, को उक्त अधिनियम की धारा 7 की उपधारा (1) के खंड (1) में 19-11-74 तथा 29-10-74 निर्दिष्ट प्रक्रिया को पर्यवसित कर दिया है।

अब अतः पेट्रोलियम पाइपलाइन (भूमि में उपयोग के अधिकारों का अर्जन) नियमावली 1963 के नियम 4 के अधीन सक्षम प्राधिकारी उक्त तारीख को ऊपर निर्दिष्ट संक्रिया के पर्यवसान के रूप में एतद्वारा अधिसूचित करता है।

## अनुसूची

जी०जी०एस० सानन्व से सी०टी०एफ० कलोल तक पाइपलाइन की संक्रिया का पर्यवसान

मंत्रालय का नाम	गांव	सर्वेक्षण नं०	भारत के राज-पत्र के प्रकाशन की तारीख	संक्रिया के पर्यवसान की तारीख
1	2	3	4	5
पेट्रोलियम और रसायन	सेज	2804	14-10-72	8-11-74
	तत्साना	"	"	5-11-74
	उस्मानाबाद	"	"	24-10-74
	सेरीसा	"	"	24-10-74
	सवासपुर	"	"	24-10-74
	मेत्तीमोयन	"	"	19-11-74
	करोली	"	"	29-10-74
	राजीपुर	1802	27-7-74	20-10-74
	धोल	2804	14-10-72	29-10-74

[सं० 12016/4/75-एल० एंड एल]

के० बी० देशपांडे, सक्षम प्राधिकारी

New Delhi, the 24th June, 1975

S.O. 2211.—Whereas by the notification of Government of India as shown in the schedule appended hereto and issued under sub-section (1) of section 6 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 the Right of User has been acquired in the lands specified in the schedule appended thereto for the transport of petroleum from G.G.S. Sanand to C.T.F. Kalol in Mehsana oil field in Gujarat State.

2. And whereas the Oil & Natural Gas Commission has terminated the operations referred to in clause (i) of sub-section (1) of section 7 of the said Act on 8-11-1974, 5-11-1974 and 24-10-1974, 19-11-1974 and 29-10-1974.

3. Now therefore under Rule 4 of the Petroleum Pipelines (Acquisition of Right of User in Land) Rules, 1963 the Competent Authority hereby notifies the said date as the date of termination of operation referred to above.

## SCHEDULE

Termination of Operation of Pipeline From G.G.S. Sanad to C.T.F. Kalol.

Name of Ministry	Village	S.O.No.	Date of publication in the Gazette of India.	Date of termination.
Petroleum & Chemicals	Saij	2804	14-10-72	8-11-74
	Palsana	"	"	5-11-74
	Usmanabad	"	"	24-10-74
	Scrira	"	"	24-10-74
	Sabaspur	"	"	24-10-74
	Moti Bho-	"	"	"
	yan	"	"	19-11-74
	Karoli	"	"	29-10-74
	Hajipur	1802	20-7-74	29-10-74
	Thol	2804	14-10-72	29-10-74

[No. 12016/4/75-I&amp;L]

K. V. DESHPANDE, Competent Authority

ऊर्जा मंत्रालय

(विद्युत विभाग)

नई दिल्ली, 12 मई, 1975

का० प्रा० 2212.—दामोदर घाटी निगम, अधिनियम, 1948 (1948 का 14) की धारा 48 की उपधारा (1) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुये, और भारत सरकार के भूतपूर्व सचिव और विद्युत मंत्रालय की अधिसूचना सं० का० प्रा० 2163, तारीख 22 जून, 1967 द्वारा जारी किये गये अनुदेशों को अधिकांश करते हुये, केन्द्रीय सरकार दामोदर घाटी निगम को अनुदेश देती है कि पश्चिमी बंगाल विद्युत बोर्ड तथा बिहार राज्य विद्युत बोर्ड को विद्युत प्रदाय के लिये प्रभारों की अनुसूची उन प्रभारों की अनुसूची से 10 प्रतिशत कम होगी जो समय समय पर निगम के साधारण उपभोक्ताओं को विद्युत प्रदाय की किसी खोल्हता पर उक्त अधिनियम की धारा 20 के अधिनियम की जाये और यह कि यह भिन्नता मांग और विद्युत प्रभार दोनों को लागू होगी किन्तु दैनिक समायोजन खंड को लागू नहीं होगी।

[सं० 17(13)/70-मी० ई०]

रामेश्वर नाथ, चवर सचिव

## MINISTRY OF ENERGY

(Department of Power)

New Delhi, the 12th May, 1975

S.O. 2212.—In exercise of the powers conferred by sub-section (1) of section 48 of the Damodar Valley Corporation Act, 1948 (14 of 1948), and in supersession of the instructions issued vide notification of the Government of India in the late Ministry of Irrigation & Power No. S.O. 2163, dated the 22nd June, 1967, the Central Government hereby instructs the Damodar Valley Corporation that the schedule of charges for the supply of electricity to the West Bengal State Electricity Board and the Bihar State Electricity Board shall be 10 per cent below the schedule of charges which may be fixed

under section 20 of the said Act from time to time at any voltage of supply of electricity to the Corporation's general consumers and that this differential will apply to both demand and energy charges but not to the fuel adjustment clause.

[No. 17(13)/70-P.E.]

RAMESHWAR NATH, Under Secy.

नौबहन और परिवहन मंत्रालय

(परिवहन पक्ष)

नई दिल्ली 26 जून 1975

का० प्रा० 2213.—यतः 7 अक्टूबर, 1974 के भारत सरकार नौबहन और परिवहन मंत्रालय (परिवहन पक्ष) की अधिसूचना सं० सं० प्रा० 2734 के अधीन 19-10-1974 के भारत के राजपत्र भाग 2 खंड 3 उपखंड (ii) के पृष्ठ 2870 पर मोटर गाड़ी अधिनियम, 1939 (1939 का 4) की धारा 133 की उपधारा (1) द्वारा यथापेक्षित मोटर गाड़ी (तृतीय पक्षकार बीमा) नियम 1946 में और संशोधन करने के लिए कतिपय प्रारूप नियम प्रकाशित किए थे जिनमें उस तारीख से, जब उक्त नियमों वाले राजपत्र की प्रतियां सर्व-साधारण को उपलब्ध की गई थी, 45 दिनों के अन्दर उन सभी व्यक्तियों से आक्षेप एवं सुझाव मांगे गये थे, जिनका तद्द्वारा प्रभावित होना संभाव्य था।

और यतः उक्त राजपत्र की प्रतियां 23 अक्टूबर, 1974 को सर्व-साधारण को उपलब्ध की गई थी,

और यतः उक्त प्रारूप नियमों पर कोई आक्षेप प्रस्ताव सुझाव प्राप्त नहीं हुए हैं,

अतः अब, मोटर गाड़ी अधिनियम 1939 (1939 का 4) की धारा धारा 111 8 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा मोटर गाड़ी (तृतीय पक्षकार बीमा) नियम, 1946 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है:—

- इन नियमों का नाम मोटर गाड़ी (तृतीय पक्षकार बीमा) संशोधन नियम, 1975 है।
- मोटर गाड़ी (तृतीय पक्षकार बीमा) नियम, 1946 के नियम 1-ए के स्थान पर निम्नलिखित नियम रखा जायेगा, अर्थात्:—  
"1-ए-विस्तार.—इसका विस्तार सम्पूर्ण भारत पर है।"

[फा० सं० 41-टी०ए०जी०(1)/74]

एन० ए० ए० नारायणन, चवर सचिव

## MINISTRY OF SHIPPING AND TRANSPORT

(Transport Wing)

New Delhi, the 26th June, 1975

S.O. 2213.—Whereas certain draft rules further to amend the Motor Vehicles (Third Party Insurance) Rules, 1946, were published as required by sub-section (1) of Section 133 of the Motor Vehicles Act, 1939 (4 of 1939) at page 2970 of the Gazette of India, Part II, Section 3, Sub-Section (ii), dated the 19th October, 1974, under the notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing) No. S.O. 2734 dated the 7th October, 1974, inviting objections and suggestions from all persons likely to be affected thereby till the expiry of forty-five days from the date on which the Gazette copies containing the said rules were made available to the general public;

And whereas the said Gazette copies were made available to the public on the 23rd October, 1974;

And whereas no objections or suggestions have been received on the said draft rules;

Now, therefore, in exercise of the powers conferred by section 111 of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby makes the following rules, further to amend the Motor Vehicles (Third Party Insurance) Rules, 1946, namely :—

1. These rules may be called the Motor Vehicles (Third Party Insurance (Amendment) Rules, 1975.
2. For Rule 1-A of the Motor Vehicles (Third Party Insurance) Rules, 1946, the following rule shall be substituted, namely :—

"1-A. Extent.—These rules extend to the whole of India".

[F. No. 41-TAG(1)/74]

N. A. A. NARAYANAN, Under Secy.

नई दिल्ली, 27 जून, 1975

का० प्रा० 2214.—राष्ट्रीय नौवहन बोर्ड नियम, 1960 के नियम 4 के उपनियम (2) के साथ पठित व्यापार पोत अधिनियम 1958 (1958 का 44) की धारा 4 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा श्री के० पी० कोल्हा को श्री जे० डी० रांछी के स्थान पर मेरिटार्डम यूनियन आफ इंडिया के प्रतिनिधि के रूप में सदस्य तथा श्री बी० पी० पोद्दार को श्री हरीश सी० हिन्दों के स्थान पर अन्य हितों के प्रतिनिधि के रूप में सदस्य नियुक्त करती है और भारत सरकार नौवहन और परिवहन मन्त्रालय, (परिवहन पक्ष) की अधिसूचना सं० सा० प्रा० 895 दिनांक 13 मार्च, 1975 में निम्नलिखित संशोधन करती है, अर्थात्—

उक्त अधिसूचना में क्रम सं० 16 के सामने की प्रविष्टि के स्थान पर "श्री के० पी० कोल्हा" की प्रविष्टि रखी जाये।

उक्त अधिसूचना में क्रम सं० 22 के सामने की प्रविष्टि के स्थान पर "श्री बी० पी० पोद्दार" की प्रविष्टि रखी जाये।

[सं० 37 एम० डी० (10)/73]

म० कृ० रामस्वामी, अवर सचिव

New Delhi, the 27th June, 1975

S.O. 2214.—In exercise of the powers conferred by Section 4 of the Merchant Shipping Act, 1958 (44 of 1958), read with sub-rule (2) of Rule 4 of the National Shipping Board Rules, 1960, the Central Government hereby appoints S/Shri K. P. Kelah, as a Member representing the Maritime Union of India in place of Shri J. D. Randeri and B. P. Poddar, as Member representing Other Interests in place of Shri Harish C. Mahindra and makes the following amendments in the Notification of the Government of India in the Ministry of Shipping and Transport (Transport Wing), No. S.O. 895, dated the 13th March, 1974, namely :—

In the said Notification for the entry against Serial No. 16 the entry "Shri K. P. Kolah" shall be substituted.

In the said Notification for the entry at Serial No. 22 the entry "Shri B. P. Podder" shall be substituted.

[No. 37-MD(10)/73]

M. K. RAMASWAMY, Under Secy.

कृषि और सिंचाई मन्त्रालय

(खाद्य विभाग)

नई दिल्ली, 25 जून, 1975

का० प्रा० 2215.—इस विभाग के दिनांक 11 अक्टूबर, 1972 के आदेश सं० 52(21)/68/आर० ई०-1 में से श्री एस० डी० शर्मा, गुण निरीक्षक के बारे में मद सं० 567 को निकाल दिया जाए।

[सं० 52/4/74-आ० नि० 3(खण्ड-1)]

जे० आर० जैन, अवर सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Food)

New Delhi, the 25th June, 1975

S.O. 2215.—In this Department Order No. 52/21/68-RE.I dated the 11th October, 1972, item No. 567 in respect of Shri S. D. Sharma, Quality Inspector is hereby deleted.

[No. 52/4/74-FC-III-Vol. I]

J. R. JAIN, Under Secy.

स्वास्थ्य और परिवार नियोजन मन्त्रालय

(स्वास्थ्य विभाग)

आदेश

नई दिल्ली, 1 जुलाई, 1975

का० प्रा० 2216.—यतः भारत सरकार के भूतपूर्व स्वास्थ्य मन्त्रालय की 23 जुलाई 1972 की अधिसूचना सं० एस० डी० 2446 द्वारा केन्द्रीय सरकार ने निवेश किया है कि भारतीय चिकित्सा परिषद् अधिनियम 1956 (1956 का 102) के प्रयोजनों के लिए यूनिवर्सिटी आवर जार्ज टाउन वाशिंगटन (संयुक्त राज्य अमरीका) द्वारा प्रदत्त एम० डी० चिकित्सा ग्रहता मान्य चिकित्सा ग्रहता होगी,

शिक्षण, अनुसंधान तथा धर्मार्थ कार्य के प्रयोजनों के लिये फिलहाल डा० ग्राहिलियन नीडफील्ड जिनके पास उक्त ग्रहता है, होली फैमिली हास्पिटल मन्वर, रांची जिला के साथ सम्बद्ध है।

अतः अब, उक्त अधिनियम की धारा 14 की उपधारा (1) के परस्परक के भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतद्वारा—

(1) 31 दिसम्बर, 1975 की आगामी अवधि-अथवा

(2) उस अवधि को जब तक डा० ग्राहिलियन नीडफील्ड होली फैमिली हास्पिटल मन्वर रांची के साथ सम्बद्ध रहते हैं, जो भी कम हो वह अवधि विनिर्दिष्ट करती है, जिसमें पूर्वाक्त डा० मेडिकल प्रैक्टिस कर सकेंगे।

[सं० 11016/4/75-एम०पी०टी०]

सती नायर, अवर सचिव

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

ORDER

New Delhi, the 1st July, 1975

S.O. 2216.—Whereas by the notification of the Government of India in the late Ministry of Health No. S.O. 2446, dated the 23rd July, 1962, the Central Government has directed that the Medical qualification, "M.D.", granted by

the University of Georgetown, Washington (United States of America) shall be a recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Eileen Niedfield who possesses the said qualification is for the time being attached to the Holy Family Hospital, Mandar, Ranchi District for the purposes of teaching, research and charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a further period upto the end of the 31st December, 1975, or

(ii) the period during which Dr. Eileen Niedfield is attached to the said Holy Family Hospital, Mandar, Ranchi,

whichever is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/4/75-MPT]

का० प्रा० 2217.—यतः भारत सरकार के स्वास्थ्य एवं परिवार नियोजन मंत्रालय की 14 मई, 1975 की अधिसूचना सं० बी० 11016/16/74-एम पी टी द्वारा केन्द्रीय सरकार ने निदेश दिया है कि भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) के प्रयोजनों के लिए यूनिवर्सिटी ग्राव बुएनोस ऐरेस, अर्जिन्टाइना द्वारा प्रवर्त एम० डी० की चिकित्सा अर्हता मान्य चिकित्सा अर्हता होगी,

और यतः शिक्षण तथा धर्मांध कार्य के प्रयोजनों के लिए फिलहाल डा० रोजा आइजाबेल रूसो को जिन के पास उक्त अर्हता है, रेनोल्ड्स मेमोरियल हॉस्पिटल (चर्च आब नजारेन) वासिम, अकोला जिला, महाराष्ट्र भारत के साथ सम्बद्ध है।

अतः अब, उक्त अधिनियम की धारा 14 की उपधारा (1) के परमसुक के भाग (ग) का पालन करते हुए केन्द्रीय सरकार एतद्वारा—

(1) राजपत्र में प्रकाशित होने के तारीख से दो वर्ष की अवधि के लिए।

अथवा

(2) उस अवधि को जब तक डा० रोजा आइजाबेल रूसो, रेनोल्ड्स मेमोरियल हॉस्पिटल (चर्च आब नजारेन) वासिम अकोला जिला महाराष्ट्र, भारत के साथ सम्बद्ध रहते हैं, जो भी कम हो वह अवधि विनिर्दिष्ट करती है, जिसमें पूर्वाक्त डा० मेडिकल प्रेक्टिस कर सकेंगे।

[सं० बी 11016/17/74-एम पी टी]

सती नायर, अवर सचिव

S.O. 2217.—Whereas by the notification of the Government of India in the Ministry of Health and Family Planning No. V. 11016/16/74-MPT dated the 14th May, 1975, the Central Government has directed that the medical qualification, "M.D." granted by the University of Buenos Aires, Argentina shall be a recognised medical qualification for the purposes of the Indian Medical Council Act, 1956 (102 of 1956);

And whereas Dr. Rosa Isabel Russo who possesses the said qualification is for the time being attached to the Reynolds Memorial Hospital (Church of Nazarene) Washim, Akola District, Maharashtra State, India for the purposes of teaching and charitable work;

Now, therefore, in pursuance of clause (c) of the proviso to sub-section (1) of section 14 of the said Act, the Central Government hereby specifies—

(i) a period of two years with effect from the date of publication of this order in the Official Gazette, or

(ii) the period during which Dr. Rosa Isabel Russo is attached to the said Reynolds Memorial Hospital (Church of Nazarene) Washim, Akola District, Maharashtra State, India,

which is shorter, as the period to which the medical practice by the aforesaid doctor shall be limited.

[No. V. 11016/17/74-MPT]

MRS. SATHI NAIR, Under Secy.

शिक्षा, समाज कल्याण और संस्कृति मंत्रालय

भारतीय पुरातत्व सर्वेक्षण

नई दिल्ली, 24 जून, 1975

(पुरातत्व)

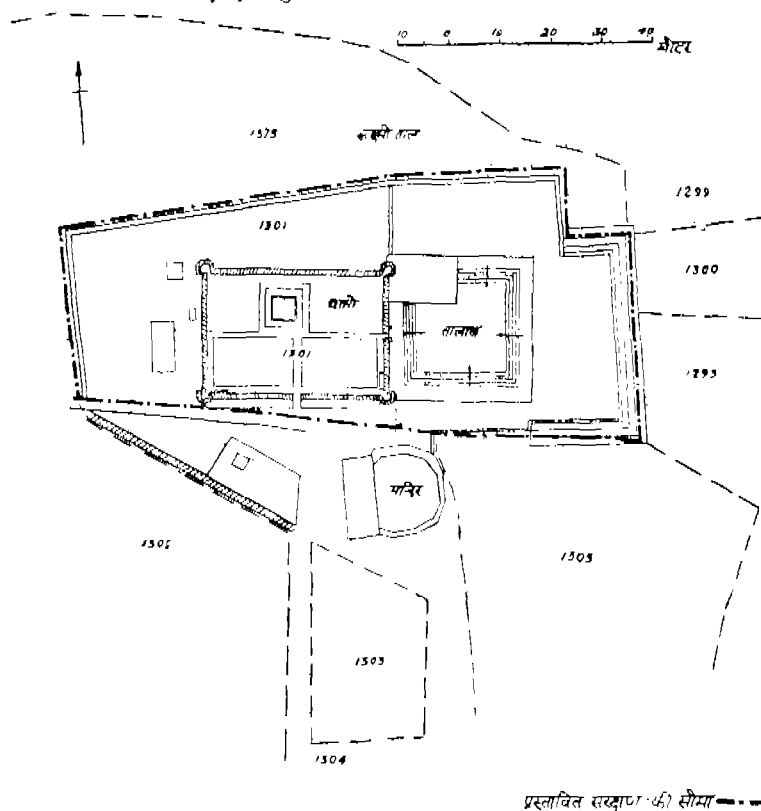
का० प्रा० 2218.—यतः केन्द्रीय सरकार का यह समाधान हो गया है कि हमसे उपायय अन्तर्दूरी में विनिर्दिष्ट स्मारक राष्ट्रीय महत्व के हैं।

अतः अब, प्राचीन स्मारक और पुरातत्वीय स्थल अधिशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रवर्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त प्राचीन स्मारकों को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है।

उक्त प्राचीन स्मारकों से हितवद् किसी व्यक्ति द्वारा उस अधिसूचना के जारी होने के तारीख से दो मास के भीतर किए गए किसी आक्षेप पर केन्द्रीय सरकार विचार करेगी।

राज्य	जिला	तहसील	स्थान	प्राचीन स्मारक का नाम	सुरक्षा के अधीन क्षेत्र सम्मिलित किए जाने वाले राजस्व भू-खंड की संख्या	सीमाएं	स्वामित्व	टिप्पण
1	2	3	4	5	6	7	8	9
उत्तर प्रदेश	मौसी	मौसी	दड़ियापुर	राजागंगाधर राव की छतरी जिस के नीचे प्रत्युत्पादित स्थल रेखांक में यथा दर्शित तालाब और सर्वे- क्षण भू-खंड सं० 1301 के भाग में समाविष्ट पार्श्वस्थ क्षेत्र भी है ।	नीचे प्रत्युत्पादित स्थल रेखांक में यथा दर्शित सर्वेक्षण भू-खंड सं० 1301 का भाग ।	1.09 उत्तर-सर्वेक्षण भू-खंड सं० 1575 लक्ष्मी के प्रबन्ध ताल । पूर्व—सर्वेक्षण भू-खंड सं० 1575, 1300 और 1293 दक्षिण- सर्वेक्षण भू-खंड सं० 1305 और सर्वेक्षण भू-खंड सं० 1301 का शेष भाग । पश्चिम—सर्वेक्षण भू- खंड सं० 1302.	नगरपालिका	पूजा नहीं की जाती

राजा गंगाधर राव की छतरी का स्थल मान चित्र  
मौजा दड़ियापुर तहसील तथा जिला मौसी (उ.प्र.)



प्रस्तावित संरक्षण की सीमा ---

[सं० 2/6/72-एम]

बी० के० थपर, महाविशेषक, पदेन संयुक्त सचिव



ARCHAEOLOGICAL SURVEY OF INDIA  
MINISTRY OF EDUCATION, SOCIAL WELFARE AND CULTURE

New Delhi, the 24th June, 1975

(ARCHAEOLOGY)

S.O. 2218.—Whereas the Central Government is of opinion that the ancient monuments specified in the Schedule attached hereto are of national importance ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monuments to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said ancient monuments will be considered by the Central Government.

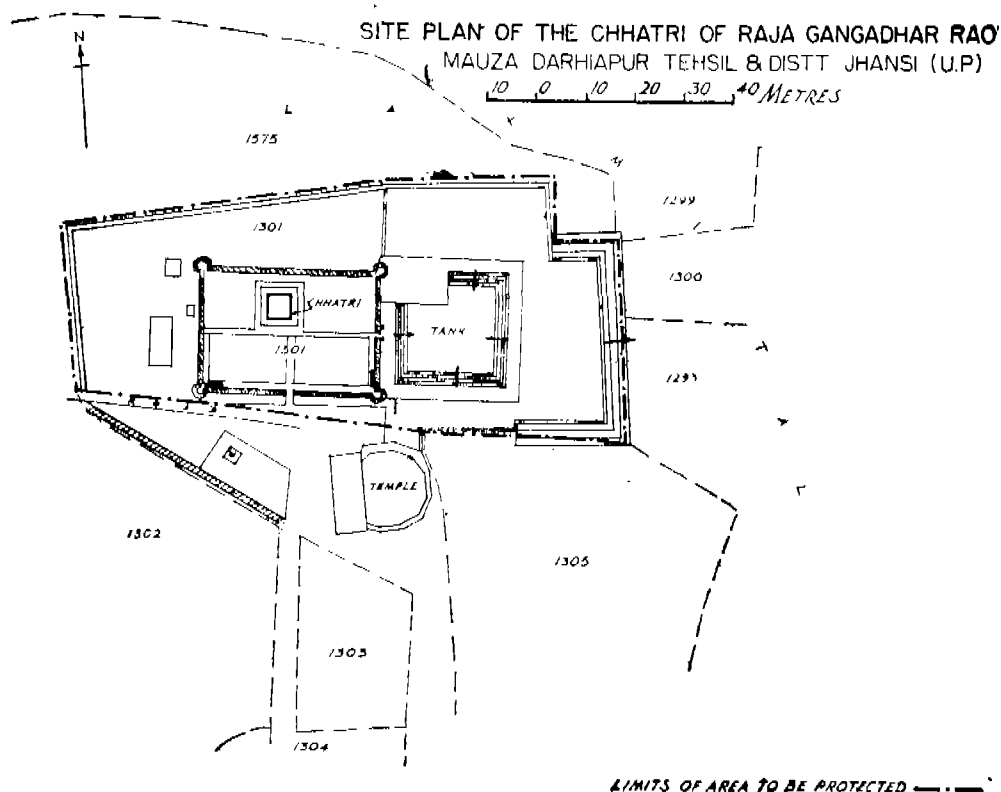
THE SCHEDULE

State	District	Tehsil	Locality	Name of ancient monuments	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
Uttar Pradesh	Jhansi	Jhansi	Darhiapur	Chhatari of Raja Ganga Dhar Rao along with tank and adjacent area comprised in part of survey plot No. 1301 as shown in the site plan reproduced below.	Part of Survey Plot No. 1301 as shown in the site plan reproduced below	1.09 acres	North : Survey Plot No. 1575 East : Survey Plot Nos. 1575, 1300 and 1293 South : Survey plot No. 1305 and remaining portion of survey plot No. 1301 West : Survey Plot No. 1302	Under municipal management.	Not under worship.

[No. 2/6/72-M]

B. K. THAPAR,

Director General and Ex-Officio Jt. Secy.



का० आ० 2219.—यतः केन्द्रीय सरकार की राय है कि इससे उपाययुक्त अनुसूची में विनिर्दिष्ट प्राचीन संस्मारक राष्ट्रीय महत्व के हैं;

अतः अथ प्राचीन संस्मारक तथा पुरातत्त्विक स्थल और अवशेष अधिनियम, 1958 (1958 का 24) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त प्राचीन संस्मारकों को राष्ट्रीय महत्व का घोषित करने के अपने आशय की सूचना देती है।

उक्त प्राचीन संस्मारकों में हितबद्ध किसी व्यक्ति द्वारा, इस अधिसूचना के जारी किए जाने के पश्चात् दो मास के भीतर किए गए किसी आक्षेप पर केन्द्रीय सरकार विचार करेगी।

#### अनुसूची

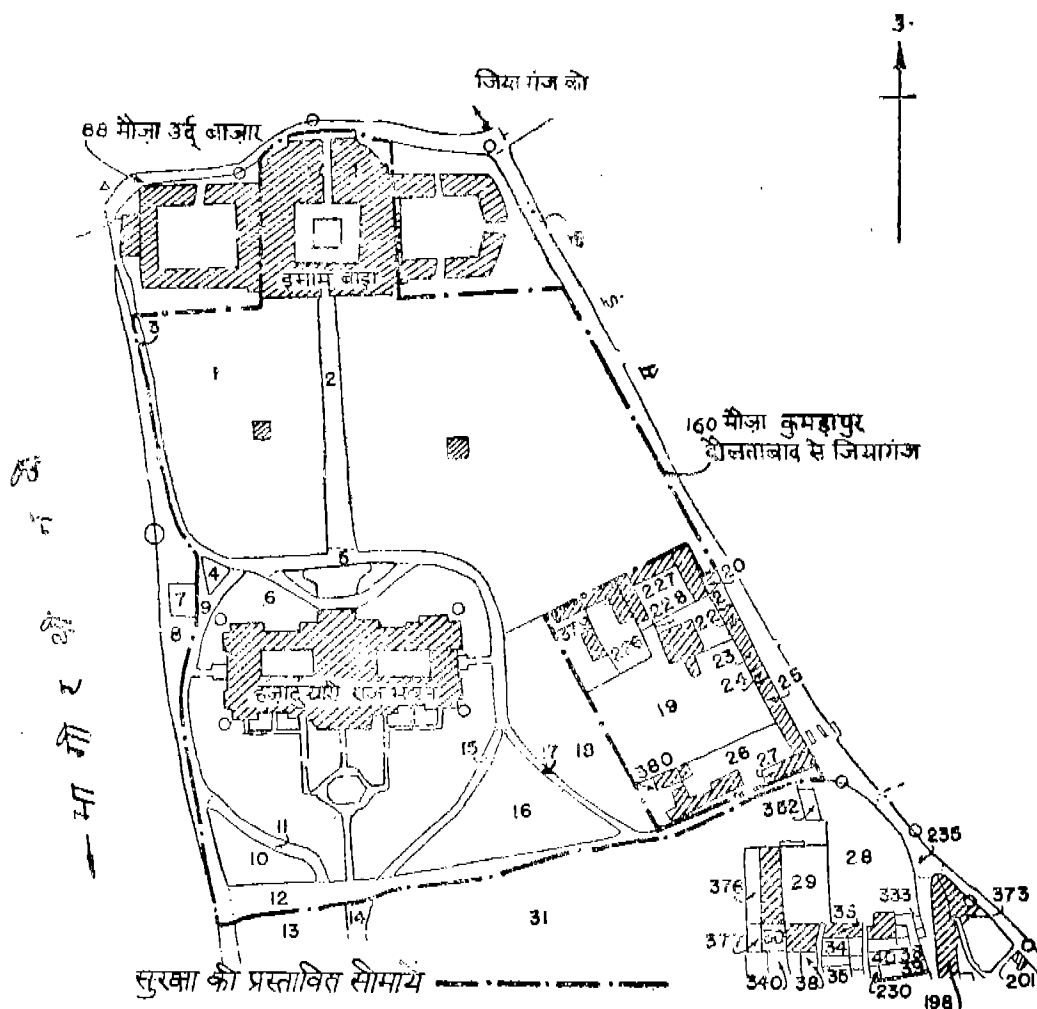
राज्य	जिला	तहसील/ मौजा	परिक्षेत्र	प्राचीन संस्मारक का नाम	संरक्षण के अधीन आने वाले राजस्व भूखण्डों की संख्या	क्षेत्र	सीमा	स्वामित्व	टिप्पणियाँ
1	2	3	4	5	6	7	8	9	10
पश्चिमी बंगाल	मुर्शिदाबाद	कैला निजा- मत	कैला निजा- मत	हजार द्वारी महल और इमामबाड़ा, माथ ही नीचे प्रत्युत्पादित रेखांक में यथा- दर्शित, सर्वेक्षण भूखण्ड सं० 1, 3, 9 के भाग और सर्वे- क्षण भूखण्ड सं० 2, 4, 5, 6, 10, 11, 12, 15, 16, 17, और 18 में समाविष्ट पार्श्वस्थ क्षेत्र।	नीचे प्रत्युत्पादित रेखांक में यथादर्शित भूखण्ड सं० 1, 3, 9 के भाग और सर्वेक्षण भूखण्ड सं० 2, 4, 5, 6, 10, 11, 12, 15, 16, 17 और 18	12.30 एकड़	उत्तर-मौजा उर्दू बाजार के सर्वेक्षण भूखण्ड सं० 1 और सर्वेक्षण भूखण्ड सं० 88 (सड़क) का शेष भाग पूर्व-मौजा कुमरापुर के सर्वे- क्षण भूखण्ड सं० 1, सर्वेक्षण भूखण्ड सं० 160 (सड़क), सर्वेक्षण भूखण्ड सं० 379, 19 और 380	शासकीय न्यायी	इमामबाड़ा धार्मिक प्रयोग में है।
							दक्षिण-सर्वेक्षण भूखण्ड सं० 20, 227 226, 379, 28, 31, 14, 13 और सर्वेक्षण भूखण्ड सं० 9 का शेष भाग।		
							पश्चिम-सर्वेक्षण भू- खण्ड सं० 7, 8 और सर्वेक्षण भूखण्ड सं० 1 का शेष भाग।		

[स० 2/15/73-एम]

एम० एन० देशपाण्डे, महानिदेशक और पतेन संयुक्त सचिव

# हजारदुयारी राजभवन और इमामबाड़े का स्थल मानचित्र केला नेजामत (मुर्शिदाबाद)

मीटर 50 0 50 100 150 200



S.O. 2219.—Whereas the Central Government is of opinion that the ancient monuments specified in the Schedule attached hereto are of national importance;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said ancient monuments to be of national importance.

Any objection made within two months after the issue of this notification, by any person interested in the said ancient monuments will be considered by the Central Government.

**'THE SCHEDULE'**

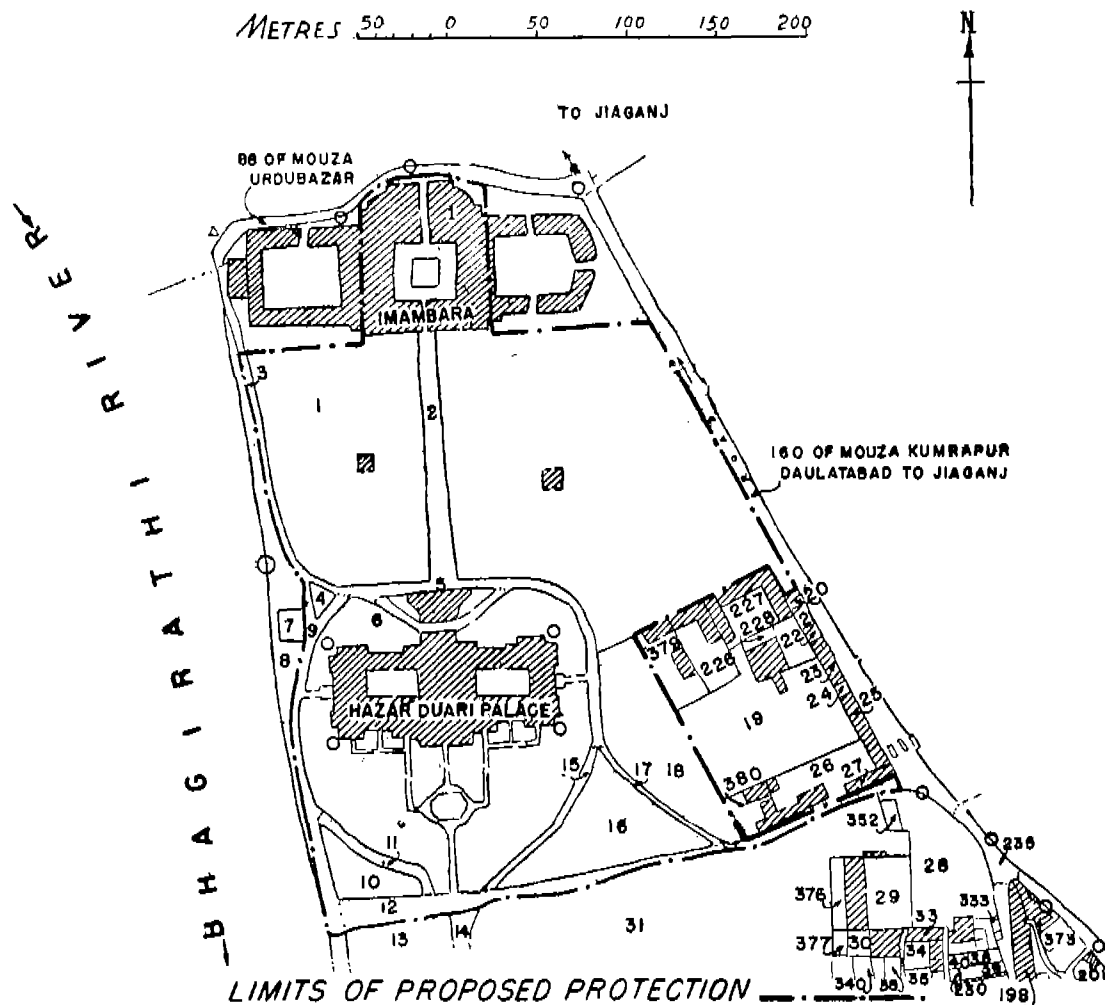
State	District	Tehsil/ Mauza	Locality	Name of ancient monuments	Revenue plot numbers to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10
West Bengal	Murshi- dabad	Kella Nezamat	Kella Nezamat	Hazar Palace and Duari Imambara to- gether with adjacent area comprised in part of survey plot Nos. 1, 3, 9 and survey plot Nos. 2, 4, 5, 6, 10, 11, 12, 15, 16, 17 and 18 as shown in the plan reproduced, below.	Part of survey plot Nos. 1, 3, 9 and survey plot Nos. 2, 4, 5, 6, 10, 11, 12, 15, 16, 17, and 18 as shown in the plan reproduced below.	12.30 acres	North.—Rema- ining portion of survey plot No. 1, survey plot No. 88 (Road) of Mauza Urdu Bazar. East.—Remain- ing portion of survey plot No. 1, survey plot No. 160 (Road) of Mauza Kum- rapur, survey plot Nos. 379, 19 and 380. South.—Survey plot Nos. 20, 227, 226, 379, 28, 31, 14, 13 and remain- ing portion of survey plot No. 9. West.—Survey plot Nos. 7, 8 and remaining portion of survey plot No. 1	Official Trustees	Imambara is under religious use.

[No. F. 2/15/73-M]

M. N. DESHPANDE,

Director-General & Ex-Officio Jt. Secy.

# **SITE PLAN OF HAZARDUARI PALACE AND IMAMBARA AT KELLA NEZAMAT (MURSHIDABAD)**



निर्माण और आवास मंत्रालय

MINISTRY OF WORKS & HOUSING

नई दिल्ली, 19 जून, 1975

New Delhi, the 19th June, 1975

कां० प्रा० 2220.—दिल्ली विकास अधिनियम, 1957 (1957 का 61) की धारा 3 की उपधारा (3) के खंड (छ) के साथ पठित, उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा नगर तथा ग्राम आयोजना संगठन के अग्र मुख्य आयोजक श्री एस० एस० शाफी को श्री सी० एस० गुप्ते के स्थान पर दिल्ली विकास प्राधिकरण के सदस्य के रूप में नियुक्त करती है तथा भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय के दिनांक 30 दिसम्बर, 1957 की अधिसूचना संख्या 12-173/57-स्था० स्वा० शा० में निम्नलिखित और संशोधन करती है, नामतः:

उक्त अधिसूचना की मद संख्या 10-क में श्री सी० एस० गुप्ते के हन्दराज के स्थान पर निम्नलिखित हन्दराज प्रतिस्थापित किया जाय नामतः:

“एस० एस० शाफी, अग्र मुख्य आयोजक”

**S.O. 2220.**—In exercise of the powers conferred by sub-section (1), read with clause (g) of sub-section (3) of section 3 of the Delhi Development Act, 1957 (61 of 1957), the Central Government hereby nominates Shri S. S. Shafi, Additional Chief Planner, Town and Country Planning Organisation, as a member of the Delhi Development Authority in place of Shri C. S. Gupte and makes the following further amendment in the Notification of the Government of India in the late Ministry of Health No. 12-173/57-LSG, dated the 30th December, 1957, namely :—

In the said Notification, in item 10-A, for the entry “Shri C. S. Gupte”, the following entry shall be substituted, namely :—

“S. S. Shafi, Additional Chief Planner”.

[सं० के०-11011/21/72-यू० डी० 1]

एस० महादेव अय्यर, अग्र सचिव

[No. K-11011/21/72-UD.I]

S. MAHADEVA AYYAR, Under Secy.

## सूचना और प्रसारण मंत्रालय

नई दिल्ली, 9 जून, 1975

का० आ० 2221.—केन्द्रीय सरकार श्री हृषिकेश मुकुर्जी का फिल्म सलाहकार बोर्ड की सदस्यता से त्यागपत्र तत्काल से स्वीकार करती है।

[संख्या 28/5/73 एफ० (पी०)]

के० पी० के० नायर, श्वर सचिव

## SCHEDULE

Whether the management of the Punjab National Bank Bombay is justified in terminating the services of Shri R. P. Parikh, temporary Godown Keeper at Kapadwanj with effect from the 14th August, 1973? If not, to what relief is the said workman entitled?

[No. L. 12012/25/75-DII/A]

नई दिल्ली, 29 मई, 1975

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 9th June, 1975

S.O. 2221.—The Central Government accepts the resignation of Shri Hrishikesh Mukherjee from the membership of the Film Advisory Board with immediate effect.

[No. 28/5/73-F(P)]

K. P. K. NAYAR, Under Secy.

## श्रम मंत्रालय

## आदेश

नई दिल्ली, 20 मई, 1975

का० आ० 2222.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में पंजाब नेशनल बैंक से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7क के अन्तर्गत गठित औद्योगिक अधिकरण, दिल्ली को न्यायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या पंजाब नेशनल बैंक, मुम्बई के प्रबन्धतन्त्र के लिये, कापड़बंद के अस्थाई गोदाम, रक्षक श्री आर० पी० पारिख की सेवा 14 अगस्त, 1973 से समाप्त करना न्यायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुसूच का हकदार है?

[सं० एल०-12012/35/75-डी० 2/ए०]

## MINISTRY OF LABOUR

## ORDERS

New Delhi, the 20th May, 1975

S.O. 2222.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the industrial Tribunal, Delhi constituted under section 7A of the said Act.

का० आ० 2223.—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेंट्रल बैंक आफ इंडिया से सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एच० आर० सोदी होंगे जिनका मुख्यालय चण्डीगढ़ में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या सेंट्रल बैंक आफ इंडिया, चण्डीगढ़ की, 22 दिसम्बर, 1974 को आयोजित अखिल भारतीय सेवा परीक्षा की वापस, श्री जी० एस० गुलाटी आशुलिपिक एवं लिपिक को सूचित न करने को कार्रवाई सम्भावपूर्ण लोप थी या तंग करने और अनुचित श्रीम व्यवहार का कार्य था? किसी भी दशा में श्री गुलाटी किस अनुसूच का हकदार है?

[सं० एल० 12012/35/75-डी० 2/ए०]

New Delhi, the 29th May, 1975

S.O. 2223.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed.

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. R. Sodhi shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

Whether the action of the Central Bank of India, Chandigarh in not informing Shri G. S. Gulati, Stenographer-cum-Clerk about the All India Service Test held on the 22nd December, 1974, was a bona fide omission or an act of victimisation and unfair labour practice? In either case to what relief is Shri Gulati entitled?

[No. L. 12012/35/75-DII/A]

का० आ० 2224:—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल बैंक आफ इंडिया से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुये, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एच० आर० सोडी होंगे जिन का मुख्यालय चण्डीगढ़ में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है।

#### अनुसूची

क्या सेन्ट्रल बैंक आफ इंडिया, चण्डीगढ़ के प्रबन्धतन्त्र की श्री अजित कुमार शर्मा लिपिक को 12 जून, 1969 से निरन्तर नियोजन में न मानने की कार्रवाई अनुचित श्रम व्यवहार का कार्य है? यदि हां, तो उक्त कर्मकार किस अनुसूची का हकदार है?

[सं० एल० 12012/37/75-डी० 2/ए०]

**S.O. 2224.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. R. Sodhi shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

Whether the action of the management of the Central Bank of India, Chandigarh in not treating Shri Ajit Kumar Sharma, Clerk in continuous employment with effect from the 12th June, 1969, is an act of unfair labour practice? If so, to what relief is the said workman entitled?

[No. L. 12012/37/75-DII/A]

नई दिल्ली, 30 मई, 1975

का० आ० 2225:—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में पंजाब नेशनल बैंक से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का

प्रयोग करते हुये, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, दिल्ली को न्यायनिर्णयन के लिये निर्देशित करती है।

#### अनुसूची

क्या पंजाब नेशनल बैंक मुखर्डी, की श्री पी० डी० पटेल, अस्थाई गोदाम रक्षक, हिम्मत नगर का (जो इस समय नाडियाड में लिपिक एवं गोदाम रक्षक के रूप में कार्य कर रहा है) सेवा 18 अक्टूबर, 1968 से समाप्त करने और उनकी पुष्टि न करने की कार्रवाई न्यायोचित है? यदि नहीं तो उक्त कर्मकार किस अनुसूची का हकदार है?

[सं० एल० 12012/23/75-डी० 2/ए०]

New Delhi, the 30th May, 1975

**S.O. 2225.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi constituted under section 7A of the said Act.

#### SCHEDULE

Whether the action of the management of the Punjab National Bank, Bombay in terminating the services of Shri P. D. Patel, temporary Godown Keeper, Himatnagar (now working as Clerk-cum-Godown Keeper at Nadiad) and denying him Confirmation with effect from the 18th October, 1968, is justified? If not, to what relief is the said workman entitled?

[No. L. 12012/23/75-DII/A]

का० आ० 2226:—केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में पंजाब नेशनल बैंक से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना बांछनीय समझती है;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, कलकत्ता को न्यायनिर्णयन के लिये निर्देशित करती है।

#### अनुसूची

क्या नियोजकों, के अर्थात् पंजाब नेशनल बैंक, 15 ए०, बेबोर्ग स्ट्रीट, कलकत्ता के विरुद्ध पंजाब नेशनल बैंक एम्प्लॉय एसोसिएशन, 10 हैस्टिंग्स स्ट्रीट, कलकत्ता की यह मांग न्यायोचित है कि श्री अनिल कुमार कोले को बैंक की नियमित/स्थाई सेवा में वर्ग 4 कर्मचारियों के रूप में सम्मिलित किया जाये, यदि हां, तो किस तारीख से और किन अन्य विवरणों सहित?

[सं० एल० 12012/30/75-डी० 2/ए०]

**S.O. 2226.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

#### SCHEDULE

Whether the demand of Punjab National Bank Employees Association, 10 Hastings Street, Calcutta against the employers, the Punjab National Bank, 18A Bra-bourne Street, Calcutta for the absorption of Shri Anil Kumar Kolay, as Class IV staff in the regular/permanent service of the Bank is justified? If so, from what date and with what other details?

[No. L. 12012/30/75-DII/A]

**का० प्रा० 2227.**—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में यूनाइटेड कमर्शियल बैंक से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उन विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एक औद्योगिक अधि-करण गठित करती है, जिसके पीठासीन अधिकारी श्री उपदेश नारायण माधुर होंगे जिनका मुख्यालय जयपुर में होगा और उक्त विवाद को उक्त अधि-करण को न्यायनिर्णयन के लिये निर्देशित करती है।

#### अनुसूची

क्या यूनाइटेड कमर्शियल बैंक, रामपुर शाखा, कोटा के प्रबन्धतन्त्र की माहुर सिंह, चौकीदार एवं चपरासी को स्थानान्तरण पर पक्ष ग्रहण अवधि देने से इनकार करने की कार्यवाही न्यायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुतोष का हकदार है?

[सं० 12012/80/74-एस० प्रार० 3]

**S.O. 2227.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the United Commercial Bank and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Updesh Narain Mathur shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

Whether the action of the management of the United Commercial Bank, Rampura Branch, Kota, in deny-ing joining period on transfer to Shri Nahar Singh, Watchman-cum-Peon, is justified? If not, to what relief is the said workman entitled?

[No. L. 12012/80/74LR.III]

**का० प्रा० 2228.**—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल बैंक आफ इंडिया से सम्बन्ध नियोजकों और उन कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एक औद्योगिक अधि-करण गठित करती है, जिसके पीठासीन अधिकारी श्री एच० प्रार० सोधी होंगे जिनका मुख्यालय चण्डीगढ़ में होगा और उक्त विवाद को उक्त अधि-करण को न्यायनिर्णयन के लिये निर्देशित करती है।

#### अनुसूची

क्या सेन्ट्रल बैंक आफ इंडिया की यमुना नगर शाखा में सहायक रोकड़िया एवं गोदाम रखक श्री एच० पी० जैन 2 मार्च, 1965 से पुष्टि के लिये और 2 मार्च, 1965 को उसकी निरन्तर सेवा की तारीख के रूप में मानते हुए, वेतन वृद्धि के लिये भी हकदार है?

[सं० एल०-12012/128/74-एस० प्रार० 3]

**S.O. 2228.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri H. R. Sodhi shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

#### SCHEDULE

Whether Shri H. P. Jain, Assistant Cashier-cum-Godown Keeper in the Jamuna Nagar Branch of the Central Bank of India is entitled to confirmation with effect from the 2nd March, 1965 and also to increment treating his date of continuous service as from the 2nd March, 1965.

[No. L. 12012/128/74-LR.III]

नई दिल्ली, 31 मई, 1975

**का० प्रा० 2229.**—यतः केन्द्रीय सरकार की राय है कि इससे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेन्ट्रल बैंक आफ इंडिया से सम्बन्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;



और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है ;

अतः, अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

क्या सेण्ट्रल बैंक आफ इण्डिया, रायपुर के प्रबन्धतंत्र का, श्री छोटे लाल के पुत्र श्री किशन लाल तुलस्यान, गोदाम लिपिक एवं सहायक रोक-डिया की, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 10 के अधीन, सेवाएं समाप्त करना न्यायोचित है ? यदि नहीं, उक्त कर्मकार किस अनुतोष का हकदार है ?

[सं० एल-12012/27/75/डी2/ ए० आई०]

### ORDER

New Delhi, the 31st May, 1975

**S.O. 2229.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

### SCHEDULE

"Whether the action of the management of the Central Bank of India, Raipur in terminating the services of Shri Kishanlal Tulsiyan, Son of Shri Chotelal, Godown-Clerk-Cum-Assistant Cashier, under section 10 of the Banking Regulation Act, 1949 (10 of 1949), is justified ? If not, to what relief is the said workman entitled ?"

[No. L. 12012/27/75/DII/AI]

का० आ० 2230.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में सेण्ट्रल बैंक आफ इण्डिया से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ।

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क और धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है, जिसके पीठासीन अधिकारी श्री एच० आर० सोडी होंगे जिनका मुख्यालय चण्डीगढ़ में होगा और उक्त विवाद को उक्त औद्योगिक अधिकरण को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

क्या सेण्ट्रल बैंक आफ इण्डिया के प्रबन्धतंत्र का, उक्त बैंक की मानी माजरी शाखा के श्री जानकन्द को 19 जुलाई, 1965 से 31 अक्टूबर,

1974 तक दफ्तरी भत्ते का संदाय न करना और 31 अक्टूबर, 1974 से दफ्तरी के रूप में उसकी परोपेक्षित न करना न्यायोचित है ? यदि नहीं तो उक्त कर्मकार किस अनुतोष का हकदार है ?

[सं० एल०-12012/36/75-डी-II/ए]

आर० कुंजीथापदम, अवसर सचिव

**S.O. 2230.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Central Bank of India and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby constitutes an Industrial Tribunal of which Shri H. R. Sodhi shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

### SCHEDULE

"Whether the action of the management of the Central Bank of India in denying payment of daftry allowance to Shri Gian Chand, of Mani Marja Branch of the said Bank with effect from the 19th July, 1965 to 31st October, 1974 and further denial of promotion as Daftry with effect from the 31st October, 1974 is justified? If not, to what reliefs are the said workmen entitled?"

[No. L-12012/36/75-D-II/A]

R. KUNJITHAPADAM, Under Secy.

आदेश

नई दिल्ली, 26 मार्च, 1975

का० आ० 2231.—यतः केन्द्रीय सरकार की राय है कि इससे उपाबद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में मैसर्स भारत को-किंग कोल लिमिटेड, की आकाशकिनारी कोलियरी, डाकघर सोनारडिह, जिला धनबाद के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2, धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

अनुसूची

क्या मैसर्स भारत कोकिंग कोल लिमिटेड की आकाशकिनारी कोलियरी, डाकघर सोनारडिह, जिला धनबाद के प्रबन्धतंत्र की श्री छेवीसिंह, चपरासी को 25-1-1974 से सेवा से पदच्युत करने की कार्रवाई न्यायोचित है ? यदि नहीं, तो कर्मकार किस अनुतोष का और किस तारीख से हकदार है ?

[संख्या एल-20012/153/74-एम०आर०-2/डी०/ए]

## ORDER

New Delhi, the 26th May, 1975

**S.O. 2231.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Akashkinaree Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 2, Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

“Whether the action of the management of Akashkinaree Colliery of Messrs Bharat Coking Coal Limited, Post Office Sonardih, District Dhanbad, in dismissing from service Shri Chedi Singh, Chaprasi, with effect from 25-1-1974, is justified? If not, to what relief is the workman entitled and from what date?”

[No. L-20012/153/74-LR-II/D-III A]

## आदेश

नई दिल्ली, 5 जून, 1975

का० आ० 2232.—केन्द्रीय सरकार की राय है कि मसे उपावद्ध अनुसूची में विनिर्दिष्ट विषयों के बारे में लोयाब्राद कोलियरी, डाकवर बांमजोरा, जिला धनबाद (जो अब मैसर्स भारत कोकिंग कोल लिमिटेड की है) के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच एक औद्योगिक विवाद विद्यमान है ;

और केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिए निर्देशित करना बांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खण्ड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त विवाद को उक्त अधिनियम की धारा 7-क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण संख्या 2, धनबाद को न्यायनिर्णयन के लिए निर्देशित करती है ।

## अनुसूची

क्या लोयाब्राद कोलियरी, डाकवर बांमजोरा, जिला धनबाद (जो अब मैसर्स भारत कोकिंग कोल लिमिटेड की है) के प्रबन्ध तंत्र की उपावद्ध में विनिर्दिष्ट कर्मकारों को 8 जनवरी, 1972 से काम से रोकने की कार्यवाही न्यायोचित है? यदि नहीं, तो उक्त कर्मकार किस अनुतोष के और किस तारीख से हकदार हैं ?

## अनुसूची का उपावद्ध

क्रम संख्या	कर्मकार का नाम	पद
1	2	3
1.	धनेश्वर चमार	स्वतंत्र
2.	बिजु मिया	"
3.	चन्द्र भुइया	"
4.	लतिक मिया	"
5.	कारु भुइया	"
6.	लिथाकत मियां	"

1	2	3
7.	मकसूदन मियां	बनिक
8.	जगदना पासी	"
9.	अमूल्य राजक	"
10.	काशिम मियां	"
11.	रूपन मियां	"
12.	इशाक मियां	"
13.	राज बहादुर लोहार	"
14.	राजनाथ कहार	"
15.	शिव नाथ पाण्डे	"
16.	कुजन जेश्वर	"
17.	रघुनाथ रबीदास	"
18.	रोजेन्द्र रबीदास	"
19.	बैजु मांझी	"
20.	सहदेव भेर	"
21.	रामदेव भुइया	"
22.	अमृत भुइया	"
23.	बचोइ गोप	"
24.	बारका माझी	"
25.	रामनागर मांझी	"
26.	जनादेन उपाध्याय	"
27.	समर रबीदास	"
28.	रामसरूप प्रसाद	"
29.	नगीना सिंह	"
30.	रामेश्वर भुइया	"
31.	सुरजनाथ हरिजन	"
32.	रूपचन्द भेर	"
33.	भुनेश्वर सिंह	"
34.	बोधा चमार	"
35.	नगीश्वर नुनिया	"
36.	जगदीश महतो	"
37.	रामजी कुमार	"
38.	किरना महतो	"
39.	जगदीश महतो	"
40.	अन्धू महतो	"
41.	गणेश मियां	"
42.	ग्रीन सिंह	"
43.	राजेन्द्र पाण्डे	"
44.	मुतार कुम्हार	"
45.	रहीम मियां	"
46.	अमूल्य राजक	"
47.	रामधनी गोप	"
48.	रामदुलार किशोर	"
49.	धनी लाल काछी	"
50.	राम सुन्दर जैसवार	"
51.	केदार पासी	"
52.	खेदन राय	"
53.	रामनारायण कहार	"
54.	राम सरूप पासी	"

हाजिरी मजदूर

1.	लतीफ मियां	टेक मजदूर
2.	सर्जू ठाकुर	"

1	2	3
3. रघुराम	एस/एफ मजदूर	
4. मनिक भुइया	लैम्प साफ करने वाले	
5. घनश्याम गोप	"	
[संख्या एल० 20012/63/72-एस०आर०-2/बी-3(ए)]		
एल० के० नारायणन, अनुभाग अधिकारी (विशेष)		

## ORDER

New Delhi, the 5th June, 1975

**S.O. 2232.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Loyabad Colliery, Post Office Bansjora, District Dhanbad (now belonging to Messrs Bharat Coking Coal Limited) and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal No. 2 Dhanbad, constituted under section 7A of the said Act.

## SCHEDULE

"Whether the action of the management of Loyabad Colliery, Post Office Bansjora, District Dhanbad (now belonging to Messrs Bharat Coking Coal Limited), in stopping from work the workmen specified in the Annexure, with effect from 8th January, 1972, justified? If not, to what relief are the said workmen entitled and from what date?"

## ANNEXURE

Sl. No.	Name of workmen.	Designation
1	2	3
1. Dhaneshwar Chamar		Miner
2. Biju Mia		"
3. Chander Bhuiya		"
4. Latif Mia		"
5. Karu Bhuiya		"
6. Liakat Mian		"
7. Maksudan Mian		"
8. Jagdal Passi		"
9. Amulya Rajak		"
10. Kashim Mian		"
11. Rupan Mian		"
12. Ishaque Mia		"
13. Rajbahadur Lohar		"
14. Rajnath Kahar		"
15. Sheona'h Pandey		"
16. Kunjan Jaishwar		"
17. Raghunath Rabidas		"
18. Rajender Rabidas		"
19. Baiju Majhi		"
20. Sahadeo Bhar		"
21. Ramdeo Bhuiya		"
22. Amrit Bhuiya		"
23. Bachot Gope		"
24. Barka Majhi		"
25. Ramsagar Majhi		"
26. Janardan Upadhya		"

1	2	3
27. Samar Rabidas		Miner
28. Ram Sarup Prasad		"
29. Nagina Singh		"
30. Rameshwar Bhuiya		"
31. Suraj Nath Harizan		"
32. Rupchand Bhar		"
33. Bhuneshwar Singh		"
34. Bondha Chamar		"
35. Nagishwar Nunia		"
36. Jagdish Mahto		"
37. Ramji Kumar		"
38. Kishta Mahto		"
39. Jagdish Mahto		"
40. Andhu Mahto		"
41. Gaffar Mian		"
42. Green Singh		"
43. Rajendra Pandey		"
44. Mutor Kumhar		"
45. Rahim Mian		"
46. Amulya Rajak		"
47. Ramdhani Gope		"
48. Ramdullar Keot		"
49. Dhanilal Kachhi		"
50. Ramsundar Jaiswara		"
51. Kedar Passi		"
52. Khedan Roy		"
53. Ramnarayan Kahar		"
54. Ram Sarup Passi		"

Hariri Mazdoor

1. Latif Mia	Prop Mazdoor
2. Sarju Thakur	"
3. Raghu Ram	S/F Mazdoor
4. Manik Bhuiya	Lamp Cleaner
5. Ghanthyam Gope	"

[No. L-20012/63/72/LRII/D. III(A)]

L. K. NARAYANAN, Section Officer (Spl.)

आदेश

नई दिल्ली, 29 मई, 1975

क्र० आ० 2233.—यतः केन्द्रीय सरकार की राय है कि इससे उपाखण्ड अनुसूची में विनिर्दिष्ट विषयों के बारे में इंडियन अर लाइन्स के प्रबन्धतन्त्र से सम्बन्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करना वांछनीय समझती है ;

अतः, अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार उक्त विवाद को उस अधिनियम की धारा 7-क के अधीन गठित औद्योगिक अधिकरण, दिल्ली की न्यायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या इंडियन एअरलाइन्स, दिल्ली क्षेत्र के प्रबन्धतन्त्र का श्री ताराचन्द्र लोडर को 17 जून, 1974 से सेवा से हटाना न्यायोचित है? और यदि नहीं, तो वह किस अनुसूची का हकदार है?

[सं० एल०-11012/(3)/75-डी० 2 (बी०)]

## ORDERS

New Delhi, the 29th May, 1975

**S.O. 2233.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Indian Airlines and their workman in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Delhi, constituted under section 7A of the said Act.

## SCHEDULE

Whether the management of Indian Airlines, Delhi is justified in removing Shri Tara Chand Loader, from service with effect from 17-6-1974, and if not, to what relief is he entitled?

[No. L-11012(3)/75-D. 2(B)]

का० प्रा० 2234.—यतः केन्द्रीय सरकार की राय है कि इससे उपाख्य अनुसूची में विनिर्दिष्ट विषय के बारे में मैसर्स प्राइवन मिलिटनोविक पिम, कैपिटल ड्रेजिंग प्राजेक्ट नम्बर, 2 मौसैतिक परियोजना ठेकेदारों का महानिदेशालय, मौसैतिक प्रभु चौकी, विशाखापत्तनम के प्रबन्धतन्त्र से सम्बद्ध नियोजकों और उनके कर्मचारों के बीच एक औद्योगिक विवाद विद्यमान है;

और यतः केन्द्रीय सरकार उक्त विवाद को न्यायनिर्णयन के लिये निर्देशित करता औद्योगिक समझौता है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 7-क धारा 10 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये, केन्द्रीय सरकार एक औद्योगिक अधिकरण गठित करती है जिसके पीठासीन अधिकारी श्री टी० नरसिंह राव होंगे, जिनका मुख्यालय हैदराबाद में होगा और उक्त विवाद को उक्त अधिकरण को न्यायनिर्णयन के लिये निर्देशित करती है।

## अनुसूची

क्या मैसर्स प्राइवन मिलिटनोविक पिम, कैपिटल ड्रेजिंग प्राजेक्ट नम्बर, 2, मौसैतिक परियोजना ठेकेदारों का महानिदेशालय, मौसैतिक प्रभु चौकी, विशाखापत्तनम के प्रबन्धतन्त्र की श्री आर० आर्ज, उप-लिपिक (भण्डार) की 9 मार्च, 1975 से छंटनी करने की कार्रवाई न्यायोचित है? यदि नहीं तो उक्त कर्मकार किस अनुसूची का हकदार है?

[संख्या एल०-14012/2/75-डी०-2 (बी०)]

हरबन्स बहादुर, अनुभाग अधिकारी (विशेष)

**S.O. 2234.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Messrs. Ivan Milutinovic Pim, Capital Dredging Project No. 2, Directorate General of Naval Project Contractors, Naval Base Post, Visakhapatnam and their workman in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri T. Narsing Rao shall be the Presiding Officer, with headquarters at Hyderabad and refers the said dispute for adjudication to the said Tribunal.

## SCHEDULE

Whether the action of the management of Messrs Ivan Milutinovic Pim, Capital Dredging Project No. 2, Directorate General Naval Project Contractors, Naval Base Post, Visakhapatnam in retrenching Shri R. George, Sub-Clerk (Stores), with effect from 9-3-1975 is justified? If not, to what relief is the said workman entitled?

[No. L-14012/2/75-D. 2 (B)]

HARBANS BAHADUR, Section Officer (Spl.)

## आवेश

नई दिल्ली, 28 जून, 1975.

का० प्रा० 2235.—यतः कलकत्ता पत्तन न्यास, कलकत्ता के प्रबंधतन्त्र से संबद्ध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व कलकत्ता पोर्ट श्रमिक 26 हा० सुधीर बसु रोड, कलकत्ता-23 और नेशनल यूनियन आफ वाटरफ्रंट वर्कर्स, 15, कोल हाक रोड, कलकत्ता-43 करते हैं, एक औद्योगिक विवाद विद्यमान है;

और यतः उक्त नियोजकों और उनके कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10-क की उप-धारा (1) के अधीन एक लिखित करार द्वारा उक्त विवाद को माध्यस्थता के लिये निर्देशित करने का करार कर लिया है और उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अधीन उक्त माध्यस्थता करार की एक प्रति केन्द्रीय सरकार को भेजी है;

अतः, अब, उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अनुसार मैं, केन्द्रीय सरकार उक्त करार को, जो उसे 25 जून, 1975 को मिला था, एतद्वारा प्रकाशित करती है।

## करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन) के बीच

पक्षकारों के नाम:

नियोजकों का प्रतिनिधित्व करने वाले

श्री के० एन० मांगुली,

सचिव, कलकत्ता पत्तन न्यास, कलकत्ता,

15, स्ट्रैंड रोड, कलकत्ता-1.

कर्मचारों का प्रतिनिधित्व करने वाले

श्री माधन खट्जी, महा सचिव,

कलकत्ता पोर्ट श्रमिक यूनियन।

श्री जानकी मुखर्जी,

महा सचिव, नेशनल यूनियन

आफ वाटरफ्रंट वर्कर्स।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को के० के० भार्गवी अन्तर्गत (केन्द्रीय) कलकत्ता के माध्यस्थता के लिए निर्देशित करने का एतद्वारा करार किया गया है।

1. विनिर्दिष्ट विवादग्रस्त विषय: वरिष्ठता के सिद्धांतों, जैसे कि कलकत्ता पत्तन न्याय के अन्तर्गत प्रचलित हैं, के अधीन भूमि प्रबंधक के विभाग में कार्य कर रहे निम्न-लिखित दावेदारों, अर्थात् श्री ए० के० मांजे चौधरी, लिपिक (उच्च श्रेणी सेलेक्शन), श्री पी० के० चन्द्रा, (उच्च श्रेणी सेलेक्शन) और श्री के० सी० दास लिपिक (उच्च श्रेणी सेलेक्शन) की, उक्त विभाग में प्रधान लिपिक के पद पर पदोन्नति के प्रयोजन के लिए परस्पर वरिष्ठता संबंधी स्थिति क्या होनी चाहिए।

2. विवाद के पक्षकारों का विवरण, कलकत्ता पत्तन न्याय, 15 स्ट्रैंड रोड, जिसमें अन्तर्वैलिन स्थापन या कलकत्ता-1 से संबंध नियोजकी उपक्रम का नाम और पता भी और उनके कर्मकारी जितना सम्मिलित है: प्रतिनिधित्व कलकत्ता पोर्ट श्रमिक यूनियन, 26, डा० सुधीर बसु रोड, कलकत्ता-23 और नेशनल यूनियन ऑफ वाटरफ्रंट वर्कर्स, 15, कोल डॉक रोड, कलकत्ता-43 द्वारा किया गया।

3. यदि कर्मकार स्वयं विशद में कलकत्ता पोर्ट श्रमिक यूनियन, अन्तर्ग्रस्त है तो उसके ध्येय या 26, डा० सुधीर बसु रोड, यदि कोई संघ प्रयत्नगत कर्मकार कलकत्ता-23 और नेशनल यूनियन या कर्मकारों का प्रतिनिधित्व ऑफ वाटरफ्रंट वर्कर्स, 15, कोल करता हो तो उसका नाम: डॉक रोड, कलकत्ता-43.

4. प्रभावित उपक्रम में नियोजित कर्मकारों की कुल संख्या: लगभग 40,000

5. विशद द्वारा प्रभावित या संभावित: प्रभावित होने वाले कर्म-कारों की प्राक्कलित संख्या: तीन

माध्यस्थ अपना पंचाट छः मास की कालाधिश या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाये, देगा। यदि पूर्व वर्णित कालाधिश के भीतर पंचाट नहीं दिया जाता तो माध्यस्थ के लिए निर्देश स्वतः रह जायेगा और पक्ष नये माध्यस्थ के लिये बातचीत करने की स्वतंत्र होंगे।

पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने वाले: ह०/- के० एन० गंगुली, सचिव, कलकत्ता पत्तन न्याय, कलकत्ता।

कर्मकारों का प्रतिनिधित्व करने वाले: ह०/- माखन षटर्जी, महा सचिव, कलकत्ता पोर्ट श्रमिक यूनियन। ह०/- जानकी मुखर्जी, महा सचिव, नेशनल यूनियन ऑफ वाटर फ्रंट वर्कर्स।

साक्षी:

(1) ह०/- नपादम

(2) ह०/- नपादम

तारीख 26 मई, 1975

[संख्या एल-32011/1/74-पी० एण्ड जी/सी एम टी/सी-4(ए)]  
(विशेष)

# ORDER

New Delhi, the 28th June, 1975

S.O. 2235—: Whereas an industrial dispute exists between the employers in relation to the management of Calcutta Port Trust, Calcutta and their workmen as represented by Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23 and National Union of Water front Workers, 15, Coal Dock Road, Calcutta-43;

And, whereas, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government under sub-section (3) of section 10A of the said Act, a copy of the said arbitration agreement;

Now, therefore, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 25th June 1975.

## Agreement

(Under Section 10A of the Industrial Disputes Act, 1947) Between

### Name of the Parties

Representing employers:

Shri. K. N. Ganguly,  
Secretary,  
Calcutta Port Trust, Calcutta  
15, Strand Road, Calcutta-1,

Representing workmen:

Shri Makhan Chatterjee,  
General Secretary,  
Calcutta Port Shramik Union.  
Shri Janaki Mukherjee,  
General Secretary,  
National Union of Waterfront  
Workers.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of K. K. Sharma, Regional Labour Commissioner (Central), Calcutta.

(i) Specific matter in dispute. What should be the inter-seniority position under the principles of seniority as obtaining under the Calcutta Port Trust of the following claimants viz., Sh. A.K. Bhanja Chowdhury, Clerk, (Upper Division Selection), Shri P.K. Chandra, (Upper Division Selection) and Shri K. C. Das, Clerk, (Upper Division Selection) working in the Land Manager's Department for the purpose of promotion to the post of Head Clerk in the said Department.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

The Employers in relation to the Calcutta Port Trust, 15, Strand Road, Calcutta-1 and their workmen represented by the Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23 and the National Union of Waterfront Workers, 15, Coal Dock Road, Calcutta-43.

- (iii) Details of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workman or workmen in question: Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23 and National Union of Waterfront Workers, 15, Coal Dock Road, Calcutta-43.
- (iv) Total number of workmen employed in the undertaking affected : 40,000 approximately
- (v) Estimated number of workmen affected or likely to be affected by the dispute: Three.

The Arbitrator shall make his award within a period of six months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and the parties shall be free to negotiate for fresh arbitration.

#### Signature of the parties

Representing Employers : Sd/-K. N. Ganguly,  
Secretary,  
Calcutta Port Trust, Calcutta.

Representing Workmen: Sd/-Makhan Chatterjee,  
General Secretary,  
Calcutta Port Shramik Union.  
Sd/- Janaki Mukherjee,  
National Union of Waterfront  
Workers.

Witnesses :  
(1) Sd/- Illegible.  
(2) Sd/- Illegible.  
Dated: 26-5-75.

[No.L-32011/1/74—P&D/CMT/D-IV(A)]

#### आदेश

क्र० आ० 2236--यतः कलकत्ता पत्तन न्यास, कलकत्ता से संबंध नियोजकों और उनके कर्मचारों के बीच, जिनका प्रतिनिधित्व कलकत्ता पोर्ट श्रमिक यूनियन, कलकत्ता और नेशनल यूनियन ऑफ वाटरफ्रंट वर्कर्स कलकत्ता करती हैं, एक औद्योगिक विवाद विद्यमान है ;

और यतः उक्त नियोजकों और कर्मचारों ने औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 10-क की उप-धारा (1) के अधीन एक लिखित करार द्वारा उक्त विवाद को माध्यस्थता के लिये निर्दिष्ट करने का करार कर लिया है और उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अधीन उक्त माध्यस्थता करार की एक प्रति केन्द्रीय सरकार को भेजी है ;

अतः, अब, उक्त अधिनियम की धारा 10-क की उप-धारा (3) के अनुसार में केन्द्रीय सरकार उक्त माध्यस्थता करार को, जो उसे 23 जून, 1975 को मिला था, एतद्वारा प्रकाशित करती है।

#### करार

(औद्योगिक विवाद अधिनियम, 1947 की धारा 10-क के अधीन)

पक्षकारों के नाम	के बीच
नियोजकों का प्रतिनिधित्व करने वाले :	श्री के० एन० गांगुली, सचिव, कलकत्ता पत्तन न्यास।
कर्मचारों का प्रतिनिधित्व करने वाले :	श्री माखन चटर्जी, महा सचिव, कलकत्ता पोर्ट श्रमिक यूनियन।

श्री जानकी मुखर्जी, महासचिव  
नेशनल यूनियन ऑफ वाटरफ्रंट  
वर्कर्स।

पक्षकारों के बीच निम्नलिखित औद्योगिक विवाद को श्री के० के० शर्मा, क्षेत्रीय श्रमायुक्त (केन्द्रीय), क्षेत्रीय श्रमायुक्त (केन्द्रीय) का कार्यालय 12, चौराही स्क्वेअर, कलकत्ता-700069 के माध्यस्थता के लिए निर्दिष्ट करने का एतद्वारा करार किया गया है :—

1. विनिर्दिष्ट विवाद प्रस्त विषय: क्या पत्तन सुरक्षा संगठन के कार्यालय में कनिष्ठ लिपिक के पदों का सृजन करने के लिए कोई औचित्य है और यदि हाँ, तो ऐसे कितने पद सृजित किये जाने चाहियें और उन्हें भरने के लिए क्या कार्य-पद्धति होनी चाहिये ?
2. विवाद के पक्षकारों का विवरण, कलकत्ता पत्तन न्यास, 15 स्ट्रेड जिसमें अन्तर्बलित स्थापन या रोड, कलकत्ता-1 से संबंध नियोजक और उनके कर्मकार अर्थात् सम्मिलित है : सुरक्षा संबंधी रक्षक और जमादार, जिनका प्रतिनिधित्व कलकत्ता पोर्ट श्रमिक यूनियन, 26, डा० सुधीर बसु रोड, कलकत्ता-23 और नेशनल यूनियन ऑफ वाटरफ्रंट वर्कर्स, 15, कोल डॉक रोड, कलकत्ता-43 करती है।
3. अन्तर्ग्रस्त है तो उसका नाम या यदि कोई संघ प्रश्नगत कर्मकारों का प्रतिनिधित्व करता हो तो उसका नाम : यदि कलकत्ता पोर्ट श्रमिक यूनियन, 26, डा० सुधीर बसु, रोड, कलकत्ता-23, वि नेशनल यूनियन ऑफ वाटरफ्रंट वर्कर्स, 15, कोल डॉक रोड कलकत्ता-43
4. प्रभावित उपक्रम में नियोजित कर्मचारों की कुल संख्या : लगभग 42,000
5. विवाद द्वारा प्रभावित या संभाव्यतः प्रभावित होने वाले कर्मकारों की प्राक्कलित संख्या : लगभग 900

माध्यस्थ अपना पंचाद छः मास की कालावधि या इतने और समय के भीतर जो हमारे बीच पारस्परिक लिखित करार द्वारा बढ़ाया जाये, देगा। यदि ऊपर उल्लिखित कालावधि के भीतर पंचाद नहीं दिया जाता तो माध्यस्थता के लिये निवेश स्वतः रद्द हो जायेगा और हम नये माध्यस्थता के लिये बातचीत करने को स्वतन्त्र होंगे।

#### पक्षकारों के हस्ताक्षर

नियोजकों का प्रतिनिधित्व करने ह०/- के० एन० गांगुली, मंत्री, कलकत्ता पत्तन न्यास।  
कर्मचारों का प्रतिनिधित्व करने ह०/- माखन चटर्जी, महासचिव, कलकत्ता पोर्ट श्रमिक यूनियन।  
ह०/- जानकी मुखर्जी, महा सचिव, नेशनल यूनियन ऑफ वाटरफ्रंट वर्कर्स।

तारीख : 19 मई, 1975

साक्षी :

- (1) ह०/- अपाठ्य
- (2) ह०/- अपाठ्य

[ संख्या एल-32013/1/75-डी-4 (ए) ]

## ORDER

**S.O. 2236.—** WHEREAS an industrial dispute exists between the employers in relation to the Calcutta Port Trust Calcutta and their workmen represented by the Calcutta Port Shramik Union, Calcutta and the National Union of Waterfront Workers, Calcutta.

AND WHEREAS, the said employers and their workmen have by a written agreement under sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), agreed to refer the said dispute to arbitration and have forwarded to the Central Government under sub-section (3) of section 10A of the said Act, a copy of the said arbitration agreement;

NOW, THEREFORE, in pursuance of sub-section (3) of section 10A of the said Act, the Central Government hereby publishes the said agreement which was received by it on the 23rd June, 1975.

## AGREEMENT

(Under Section 10A of the Industrial Disputes Act, 1947)

Name of parties	Between
Representing Employers :	Shri K. N. Ganguly, Secretary, Calcutta Port Trust.
Representing Workmen :	Shri Makhan Chatterjee; General Secretary, Calcutta port Shramik Union Shri Janaki Mukherjee, General Secretary, National Union of Waterfront Workers.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri K. K. Sharma, Regional Labour Commissioner (Central), Office of the Regional Labour Commissioner (Central), 12, Chowringhee Square, Calcutta-700069.

- (i) Specific matters in dispute: Is there any justification for creating posts of Junior Clerk in the office of the Port Security Organisation and if so, how many such posts should be created and what should be the procedure for filling them?
- (ii) Details of the parties to dispute including the name and address of the establishment or undertaking involved: The Employer in relation to the Calcutta Port Trust, 15, Strand Road, Calcutta-1 and their workmen viz. Security Guards and Jamadars represented by the Calcutta Port Shramik Union 26, Dr. Sudhir Basu Road, Calcutta-23 and the National Union of Waterfront Workers, 15, Coal Dock Road, Calcutta-43.
- (iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workmen in question : The Calcutta Port Shramik Union, 26, Dr. Sudhir Basu Road, Calcutta-23. The National Union of Waterfront Workers, 15, Coal Dock Road, Calcutta-43.
- (iv) Total number of workmen employed in the undertaking affected: 42,000 approximately.
- (v) Estimated number of workmen affected or likely to be affected by the dispute: 900 approximately.

The Arbitrator shall make his award within a period of six months or within such further time as is extended by mutual

agreement between us in writing. In case the award is not made within the period above-mentioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

## Signature of the Parties

Representing Employers : Sd/- K. N. Ganguly, Secretary, Calcutta Port Trust.

Representing Workmen : Sd/- Makhan Chatterjee;  
General Secretary, Calcutta Port Shramik Union.

Sd/- Janaki Mukherjee,  
General Secretary, National Union of Waterfront Workers.

Dated, the 19th May, 1975.

Witness :

(1) Sd/- Illegible.

(2) Sd/- Illegible.

[No. L-32013/1/75-D-IV (A)]

New Delhi, the 3rd July, 1975

**S.O. 2237.—**Whereas Award Part I of the the Industrial Tribunal, Bombay, dated the 4th August, 1970, in the industrial dispute between the employers in relation to the management of Messrs Harish Kumar and Company (Private) Limited, Bombay and their workmen was published in the Gazette of India, Part II, Section 3 Sub-Section (ii) with the Notification of late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) number S. O. 2991, dated the 12th September, 1970;

And whereas Award-Part II, dated the 31st December, 1973 together with Further Order, dated the 31st January, 1974 was received by the Central Government on the 6th February, 1974 with a request that the said Award-Part II shall not be published until the hearing and final disposal of the Miscellaneous Petition No. 787 of 1970 then pending before the High Court of judicature at Bombay;

And whereas the Central Government has now been informed that permission has been given by the High Court to the petitioner in Miscellaneous Petition No. 787 of 1970 for withdrawing the said petition;

Now, therefore, in pursuance of section 17 of the Industrial Disputes Act, 1947, (14 of 1947), the Central Government hereby publishes the following Award-Part II of the Central Government Industrial Tribunal No. 2, Bombay, in the said industrial dispute between the employers in relation to the management of Messrs Harish Kumar and Company (Private) Limited, Bombay and their workmen.

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, BOMBAY

Reference No. CGIT-2/17 of 1969

Employers in relation to the management of M/s. Harish Kumar & Co. Pvt. Ltd., Bombay.

AND

Their workmen.

## PRESENT:

Shri N. K. Vani, Presiding Officer.

## APPEARANCES:

For the Employers : Shri D. O. Sanghvi, Advocate.

For the Workmen : Shri H. K. Sowani, Advocate.

Industry : Ports and Docks.

State : Maharashtra.

Bombay, dated the 31st December, 1973.

## AWARD : PART II

By order No. 29/57/69-Fac. II, dated 30th October, 1969 the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) in exercise of the powers conferred by clause

(d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the management of M/s. Harish Kumar & Co. Pvt. Ltd., Bombay and their workmen in respect of the matters specified in the schedule as mentioned below:—

#### "SCHEDULE

Whether the action of M/s. Harish Kumar & Co. Pvt. Ltd., 7, Noble Chambers, Parsi Bazar Street, Fort Bombay-1 in dismissing S/Shri S. A. Kotian, M. V. Kulkarni and Shri Umesh S. Siryan from their service with effect from 7th May, 1969 is justified? If not, to what relief the workmen are entitled?"

2. On the receipt of the reference by this Tribunal notices were issued to the parties. In pursuance of the notice both the parties appeared before me and filed their written statements. The chairman for Harish Kumar & Co. Pvt. Ltd., has filed written statement at Ex. 1/E raising preliminary objections. Shri S. R. Kulkarni, Secretary, Transport and Dock Workers' Union has filed written statement on merit at Ex. 2/W.

3. As M/s. Harish Kumar & Co. Pvt. Ltd., Bombay (hereinafter referred to as 'the company') raised preliminary objections, this reference was fixed for hearing preliminary objections. After recording evidence and hearing the arguments of the parties, Part-I award as mentioned below was given by me on 4-8-1970.

#### "ORDER

(i) It is hereby declared that the present reference made to this Tribunal by the Central Government is legal, valid and tenable.

(ii) Award Part-I is made accordingly.

(iii) Reference be fixed for taking further steps by the parties.

(iv) No order as to costs."

4. The company has preferred a Petition before the High Court of Bombay bearing Misc. Petition No. 787 of 1970. The same petition has been admitted and pending in the Honourable High Court.

5. The Company has filed written statement on merit at Ex. 6/E.

6. According to the Secretary, Transport and Dock Workers' Union Bombay (hereinafter referred to as 'the Union') (Ex. 2/W) :—

(i) S/Shri M. V. Kulkarni, S. A. Kotian and U. S. Siryan were employed as Customs and Dock Clerks by the Company. These workmen were informed by a Circular dated 2-1-1969 signed by Shri K. B. Seth, the Chairman of the Company that they were required to submit their reports every two hours of their work done and also inform the chairman what they had got for the next day to start with. The Circular further stated that if any of the employee fails to carry out the requirements of the circular, they would be fined Rs. 2/- per day for every interval of two hours.

(ii) Shri Kotian as well as Shri Kulkarni by their letters dated 28-1-1969 wrote to the company informing them that they would certainly abide by the advice given by the company and carry out the instructions given to them. They, however, added that they should be supplied a note which should be signed by the responsible Officer of the company to the effect that they had approached the company with the report every two hours. This they said, would serve as a sort of proof that they had carried out the instructions of the company. The workmen simultaneously reported the matter to the Union of which they were members and requested him to inform the company that they were being unnecessarily harassed. Accordingly, the Union wrote a letter on 28-1-1969 informing the company that their requisition that the

staff should report to the company every two hours of the work done by them or else they would be fined Rs. 2/- per day, for every interval of two hours, was nothing but an act of unfair labour practice. The order was also vague and illegal and the Union requested the company to withdraw the said order or circular.

(iii) When the company received this letter from the Union as well as the letters sent by the workmen, namely, S/Shri Kotian and Kulkarni, the company did not allot them any work and also did not allow them to sign the muster roll. They were also not paid for the month of January 1969. They, therefore, approached the Union and requested the Union to take up the matter with the Asstt. Labour Commissioner. Accordingly, the Union wrote a letter dated 14-2-1969 to the Asstt. Labour Commissioner (C), pointing out that S/Shri Kulkarni, Kotian as well as Shri Umesh S. Siryan were not paid their salaries for the month of January 1969. The Union requested the Conciliation Officer to intervene and persuade the management to pay the salaries to the workers. The Conciliation Officer called the representatives of the management for negotiations on several occasions but the representatives of the company did not attend while the representatives of the Union attended every meeting conveyed by the Assistant Labour Commissioner. At the meeting held on 19-3-1969, Shri S. V. Gole, Advocate appeared for the management and Shri Shaikh, Asstt. Secretary of the union appeared for the workers. The Advocate on behalf of the company was told that the workmen were not given work from about 27-1-1969 though they went for work every day. They were not allowed to sign the muster roll.

The advocate of the company stated that the management wanted to take action against the employees but he admitted that no order of suspension was issued to the employees. He further stated that within about a week the management proposed to issue charge-sheets to the employees and the management may suspend them from work. On the question of payment of salaries the Advocate stated that he would consult the management regarding the full payment to be made to the workers.

(iv) After this meeting was held the two workmen viz. Shri Kotian and Shri Kulkarni received charge-sheets dated 25-3-1969 in which several vague allegations were made against them. The allegations were that they were guilty of wilful insubordination and also of rude conduct with other members of staff. They were told that an enquiry would be held in the office of the company on 31-3-1969. They were also suspended pending enquiry. The workmen, viz. S/Shri Kotian and Kulkarni replied to the said charge-sheets denying that they had committed any act of misconduct as alleged in the charge-sheets. They said that the charges were very vague and no incidences have been cited in support of or clarifying the charges. They stated that this was an act of deliberate harassment. They were not paid their wages for the months of January and February, 1969. They had already approached the Union as well as the Asstt. Labour Commissioner. Because they had done so, the management wanted to take action against them which was nothing but an act of victimisation. They also stated that they were prohibited from signing the muster-roll from 28-1-1969. The order of suspension was an after thought. It was a glaring example of victimisation.

(v) The management after receiving the said reply to the charge-sheets dated 28-3-1969, informed the workmen that an enquiry would be held on 4-4-1969. They were not allowed to be represented by the Officer of the Union. The workmen attended the office at the time of enquiry but really no enquiry was held and they were asked to go.

(vi) The action of the company in dismissing the workmen S/Shri Kotian, Kulkarni and Siryan with effect from 7-5-1969 is not only unjustifiable but is also



illegal. They are entitled to the relief of reinstatement with full back wages for the period of their forced unemployment.

- (vii) The action in dismissing the employees is an act of unfair labour practice and victimisation. The workmen were given unreasonable and impracticable instructions to report about their work every two hours, otherwise they would be imposed a fine of Rs. 2 per day for every interval of two hours. This circular of the company is an deliberate act of harassment and cannot be justified on any reasonable ground. Both Shri Kulkarni and Shri Kotian expressed their willingness in writing to obey the instructions, but they wanted that the person, to whom they had to report after every two hours should give them a note acknowledging that they had so reported. This was required to show that they had complied with the requisition of the management. This request of the employees was very reasonable and the employer was unjustified in refusing this reasonable request.
- (viii) The dismissal of the employees is illegal because the employees were not given work since 28-1-1969 and when they reported to the Asstt. Labour Commissioner through their Union, the Advocate who represented the company admitted that they were not given any order of suspension but the company wanted to issue charge-sheets against them. Thus the present dismissal order is given only with an intention to regularise the already illegal act of the company. By giving charge-sheets and holding a farce of the enquiry the company wanted to show that they had followed the principles of natural justice and that their action was legal. This, however, is not correct because the entire intention of the company was to victimise the workmen.
- (ix) The company has failed to give a proper charge-sheet to the workmen indicating the circumstances alleged against them and also given the various incidences of commissions and omissions with regard to which the charges have been framed. The charge-sheet is, therefore, vague and cannot be acted upon.
- (x) The enquiry was also illegal because the workmen were not allowed to lead their evidence or to cross-examine the witnesses of the company. In fact no person was examined in the presence of the Enquiry Officer. The notes of enquiry were not given to the workmen though they made a specific request in this behalf.
- (xi) As the dismissal orders dated 7-5-1969 issued against the workmen are illegal and improper and unjustified, the workmen be reinstated with continuity of service and back wages.

7. According to the Chairman of the Company Ex. 6/E:—

- (i) Shri M. V. Kulkarni was in the employment of the company since 22-11-1956. His monthly salary was Rs. 215. In spite of repeated warnings, he persisted in rude and adamant attitude towards the company and the senior members of the staff in collusion and the complicity with Shri Shankar Kotian one of the workmen. He adopted a policy of slow-down and obstruction with an intention to cause loss to the management. On or about 28-1-1969 he was asked to surrender his dock pass. He did so on demand. From the next day onwards he stopped reporting for work. As he did not come upto 25-3-1969, the company sent a letter to him on 25-3-1969. By the said letter, he was called for enquiry on 4-4-1969. He attended the enquiry. As a result of the said enquiry he was found guilty. He was therefore dismissed from service by letter dated 7-5-1969. The dismissal order was passed against Shri Kulkarni after giving charge-sheet and holding enquiry. He was given all the opportunities to explain the misconduct alleged against him in the charge-sheet and to cross-examine the witnesses.

- (ii) Shri Shanker Kotian was in the employment of the company since 13-7-1951, as a Peon. His monthly salary was Rs. 212. In spite of repeated warnings and tendering apologies orally and in writing in the past, he persisted in indulging in activities detrimental to the office discipline in collusion and the complicity with Shri M. V. Kulkarni such as insubordination, rude conduct and excess spending of company's funds contrary to the instructions of the management.

- (iii) On or about 28-1-1969 Shri Kotian was reprimanded by the Chairman of the company. He was informed that an enquiry would be held against him. On account of this Shri Kotian stopped attending office of the company from 30-1-1969. As he did not come to office upto 25-3-1969, the company sent a letter on 25-3-1969, and held enquiry on 4-4-1969. Shri Kotian in fact attended the enquiry. During the enquiry, he was found guilty. He was therefore dismissed by the company's letter dated 7-5-1969. The order of dismissal is quite legal and proper. He was given all the opportunities to explain the misconduct alleged against him in the charge-sheet and to cross-examine the witnesses.

- (iv) On not reporting for work from 30-1-1969, he was dismissed from service after having suspended him pending enquiry from 25-3-1969. The dismissal letter relates back to the date of the charge-sheet dated 25-3-1969.

- (v) Shri Umesh Siryan was in the employment of the company since 1-9-1968. His monthly salary was initially Rs. 100 and later on it was increased to Rs. 125/-. Shri Siryan received his salary of January 1969 on 13-2-1969 but he refused to sign the receipt in token of receipt of the salary for January 1969. From 15-2-1969 without any intimation to the company Shri Siryan stopped reporting for work. On or from 15-2-1969 Shri Siryan has thus voluntarily abandoned the services of the company.

- (vi) The intention of the company in circulating the circular was to ensure discipline and proper working in the company.

- (vii) The company denies all the allegations made by the workmen in their statements regarding charges, enquiry etc. and contends that the workmen are not entitled to any relief or any back wages full or otherwise.

8. The documents produced on behalf of the workmen are as follows:—

- (i) Letter dated 9-5-1966 from Shri Kotian, Ex. 7/W.
- (ii) Letter dated 28-2-1967 from Shri Kotian to Shri K. B. Sheth, Ex. 8/W.
- (iii) Letter dated 28-1-1969 from Shri Kotian to M/s. Harishkumar and Co. Pvt. Ltd., Ex. 9/W.
- (iv) Letter dated 31-3-1969 from Harishkumar & Co. Pvt. Ltd. to Shri Kotian, Ex. 10/W.
- (v) Letter dated 7-5-1969 from the Chairman Harishkumar & Co. Pvt. Ltd. to Shri Kotian, Ex. 11/W.
- (vi) Letter dated 9-5-1969 from Shri Kotian to M/s. Harishkumar & Co. Pvt. Ltd., Ex. 12/W.
- (vii) Letter dated 25-3-1969 from the Chairman, Harishkumar & Co. Pvt. Ltd. to Shri Kotian, Ex. 13/W.
- (viii) Letter dated 26-3-1969 from the Chairman, Harishkumar & Co. Pvt. Ltd. to Shri Kotian, Ex. 14/W.
- (ix) Letter dated 28-3-1969 from Harishkumar & Co. Pvt. Ltd. to Shri Kotian, Ex. 15/W.
- (x) Copy of Circular dated 2-1-1969, Ex. 16/W.

- (xi) Letter dated 31-3-1969 from Shri Kotian to M/s. Harishkumar & Co. Pvt. Ltd., Ex. 17/W.
- (xii) Letter dated 16-5-1969 from the Secretary Transport and Dock Workers' Union, Bombay to the Asstt. Labour Commissioner (C), Bombay, Ex. 18/W.
- (xiii) Letter dated 14-2-1969 from the Secretary, Transport and Dock Workers' Union to the Asstt. Labour Commissioner (C), Bombay, Ex. 19/W.
- (xiv) Letter dated 28-1-1969 from the Secretary, Transport and Dock Workers' Union to M/s. Harishkumar and Co. Pvt., Ex. 20/W.
- (xv) Medical certificate dated 15-6-1971 issued to Smt. Vasanthi S. Kotian, wife of Shanker A. Kotian at Ex. 22/W.
- (xvi) Evidence of Shri S. A. Kotian before me at Ex. 24/W.
- (xvii) Letter dated 9-5-1969 from Shri M. V. Kulkarni to M/s. Harishkumar and Co. Pvt. Ltd., Ex. 25/W.
- (xviii) Letter dated 25-3-1969 from the Chairman, Harishkumar and Co. Pvt. Ltd., Bombay to Shri M. V. Kulkarni, Ex. 26/W.
- (xix) Letter dated 28-3-1969 from M/s Harishkumar and Co. Pvt. Ltd. to Shri M. V. Kulkarni, Ex. 27/W.
- (xx) Letter dated 28-3-1969 from Shri S. R. Kulkarni to M/s. Harishkumar and Co. Pvt. Ltd., Bombay Ex. 28/W.
- (xxi) Shri M. V. Kulkarni has given evidence at Ex. 31/W.
- (xxii) Shri Umesh Siryan has given evidence at Ex. 32/W and produced two documents at Ex. 33/W and 34/W.

9. The Company has produced documents as mentioned below:—

- (i) Enquiry papers in respect of Shri S. A. Kotian at Ex. 21/E.
- (ii) Article of agreement regarding flat to Shri Kotian, Ex. 23/E.
- (iii) Warning dated 19-12-1968 from the Chairman, Harishkumar and Co. Pvt. Ltd. to Shri M. V. Kulkarni, Ex. 29/E.
- (iv) Letter dated 28th January 1969 to M/s Harishkumar and Co. Pvt. Ltd., Bombay, Ex. 30/E.
- (v) Enquiry papers regarding Kulkarni, Ex. 35/E.
- (vi) Letter dated 25-3-1969 from M/s Harishkumar and Co. Pvt. Ltd., to Shri S. Umesh Siryan alongwith registered envelope, Ex. 36/E.
- (vii) The Chairman Shri K. B. Sheth has examined himself at Ex. 38/E.
- (viii) Evidence of Smt. Shante Ramesh Manjrekar, Ex. 39/E.

10. From the pleadings and documents the following points arise for decision in this reference.

- (i) Whether the inquiries held against S/Shri S. A. Kotian, and M. V. Kulkarni on 4-4-1969 were proper and fair?
- (ii) Whether the principles of natural justice were violated in these enquiries?
- (iii) Whether the enquires are vitiated?

- (iv) Whether on evidence before me the action of the company in dismissing S/Shri S. A. Kotian and M. V. Kulkarni can be justified?
- (v) Whether Shri Siryan was dismissed without notice and enquiries?
- (vi) To what relief are they entitled?
- (vii) What order?

11. My findings are as follows :—

- (i) No.
- (ii) Yes.
- (iii) Yes.
- (iv) No.
- (v) Yes.
- (vi) As mentioned in the judgement.
- (vii) As per order.

#### REASONS

Point No. i to iii

12. The company held departmental enquiries against S/Shri S. A. Kotian and M. V. Kulkarni on 4-4-1969.

13. Charges against Shri S. A. Kotian contained in letter dated 25-3-1969, Ex. 13/W were as follows :—

- "(a) Absence without leave for more than eight consecutive days;
- (b) Wilful insubordination and disobedience of the reasonable orders of the superiors;
- (c) Intentional misbehaviour and rude conduct with other members of the staff;
- (d) Careless spending of Company's funds contrary to the instructions of the management."

14. Charges against Shri M. V. Kulkarni contained in letter dated 25-3-1969, Ex. 26/W were as follows :—

- "(1) Wilful Insubordination and disobedience of reasonable orders of the superiors.
- (2) Intentional misbehaviour and rude conduct with other members of the staff.
- (3) Deliberate slow down in disposal of office work.
- (4) Deliberately adopting the policy of obstruction with an intention to cause loss to the management."

15. Shri S. A. Kotian by his letter dated 31-3-1969 Ex. 17/W and Shri M. V. Kulkarni by his letter dated 28-3-1969 Ex. 28/W denied the charges saying that all the charges were vague and without any foundation and that they were with ulterior motives, as they had joined the union.

16. During the departmental enquiry one Shri Desai was the Enquiry Officer. During the enquiry Shri K. B. Sheth, the Chairman of the company who was the complainant was sitting in the enquiry room right from the beginning till the end. The Enquiry Officer recorded mixed statements of Shri Sheth and the employee concerned. No other witnesses were examined.

17. Enquiry Papers in respect of Shri S. A. Kotian are produced at Ex. 21/E. Enquiry papers in respect of Shri M. V. Kulkarni are produced at Ex. 35/E.

18. A perusal of charges Ex. 13/W against Shri S. A. Kotian and Ex. 26/W in respect of Shri M. V. Kulkarni referred to above shows that they are vague and indefinite. Specific instance giving rise to a particular charge were not mentioned. Both the employees were not furnished with concern of material in support of the charges. They were not informed

regarding the evidence by which the accusation against them was to be supported.

19. In the case between Meenglass Tea Estate and its workmen reported in 1963, II, LLJ, page 392, their Lordships of the Supreme Court have observed as follows :—

"It is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to bear the evidence in support and to put such relevant questions by way of cross-examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the barest requirement of an enquiry of this character and this requirement must be substantially fulfilled before the results of the enquiry can be accepted."

20. In the case between Northern Railway Co-operative Credit Society Ltd. and Industrial Tribunal, Jaipur and another reported in 1967, II LLJ, page 46, their Lordships of the Supreme Court have observed as follows :—

"The respondent has not been furnished with concern of materials in support of the charges. The mere fact that he did not appear on the date fixed for enquiry will not satisfy the requirements of the principles of natural justice that he should have been told of the details of the charges and the material available in support thereof."

21. It is clear from the above two rulings that the principles of natural justice require that the person against whom accusation is made should not only know the accusation made against him but he should also be informed about the evidence available in support of the accusation. In the present case, the charges framed against both the employees were vague and the evidence in support of the charges was not given alongwith chargesheets sent to the employees. Hence the principles of natural justice were violated in this case.

22. Shri K. B. Sheth, Chairman of the company who was the complainant in both the enquiries admits in his evidence, Ex. 38/E before me as follows :—

"Mr. Desai conducted the enquiry. Mr. Desai was not given any appointment letter appointing him as enquiry officer. I had instructed him to hold the enquiry. I was also present during the enquiry through out. I remained present during enquiry to enable Mr. Desai to ask any question to me if necessary.

I was the complainant in each enquiry. I think Mr. Kotian was examined first during enquiry. After Kotian gave his evidence, I gave replies whenever Desai asked me questions. Mr. Desai reduced my replies in writing. Mr. Desai noted down my replies. I have not got the notings made by Desai in his handwriting. Copies produced in the court are signed by Mr. Desai."

Q. Is it a fact that the workers had asked for the copies of the notes made by Mr. Desai?

A. Probably they had asked for the copies after their dismissal I did not supply the copies of notices of the enquiry to the employees, as the workers had not signed the notes of the enquiry made by Desai and as they were dismissed copies of the notes of the enquiry were not supplied.

Notes of the enquiry produced in the court are not fabricated. They are correct notes."

23. It appears from the evidence of Shri Sheth referred to above that Shri Desai had recorded statements during the enquiry in his own handwriting. Those enquiry papers which are in the handwriting of Shri Desai have not been produced before me. Only typed copies bearing the signature of Shri Desai are produced before me. The typed copies do not bear the signatures of the employees. They

bear the signature of Shri Desai who is now dead. The employees do not admit these enquiry papers as correct.

24. In the absence of original enquiry papers in the hand writing of Shri Desai and the typed copies not bearing the signatures of the employees, there cannot be any guarantee about the correctness of the enquiry papers produced before me.

25. Shri Sanghvi, learned advocate for the company contends that production of typed copies of original hand-script recorded during the enquiry does not make the enquiry irregular and illegal. In support of this he refers on the ruling of the Supreme Court in the case between Pure Drinks (Private) Ltd. and Kirat Singh Maungatt and another reported in 1971, II, LLJ, page 99. This ruling lays down as follows :—

"The fact that the statements recorded at the domestic enquiry were taken down in shorthand notes and were signed by the witnesses later on when they were transcribed in long hand and typed could not make the enquiry mala fide or irregular or improper."

26. The facts of the case relied upon by Shri Sanghvi referred to above do not apply to the facts of the case which I am deciding. In the present case statements were not taken down in shorthand. Moreover the typed copies produced before me do not bear the signature of the workmen.

27. A perusal of the enquiry papers Ex. 21/E and Ex. 35/E shows that the enquiry officer Shri Desai has not followed proper procedure in recording the statement. The procedure followed by the enquiry officer was highly irregular, illegal and unnatural. He has not recorded the statement of the complainant first and then the employees concerned, what he has done is that he has recorded mixed statements of the complainant and the employees concerned. This has vitiated the enquiry as the principles of natural justice have not been followed.

28. It appears from Ex. 21/E and Ex. 35/E that Shri Desai finished the enquiry against S/Shri S. A. Kotian and M. V. Kulkarni on 4-4-1969 and gave his findings on 25-4-1969 and recommended that the employees concerned should be dismissed from service as the charges levelled against them were held proved.

29. By letters dated 7th May 1969 S/Shri S. A. Kotian and M. V. Kulkarni were informed by the Chairman of the Company that they were dismissed from service.

30. It appears from the record that before dismissing S/Shri Kotian and Kulkarni the Chairman had not issued notices to them for showing cause as to why they should not be dismissed from service. It means that both the employees i.e. S/Shri Kotian and Kulkarni were dismissed from service without giving them opportunity for showing cause as to why they should not be dismissed from service. As they were not heard before passing the order of dismissal and as their length of service was not taken into consideration this amounts to violation of the principles of natural justice.

31. S/Shri Kotian and Kulkarni had requested the company to allow them to be defended by the Union officials by their letters dated 31-3-1969 and 28-3-1969 respectively. The company informed S/Shri Kotian and Kulkarni by letters dated 21-3-1969 (Ex. 10/W) and 28-3-1969 (Ex. 27/W) respectively that their request for allowing them to be defended by the Union officials cannot be allowed as it was a domestic affair.

32. Shri Sanghvi, learned advocate for the company contends that the workmen against whom enquiry is being held by the management has no right to be represented at such enquiry by a representative of his union. In support of this contention he relies on the ruling of the Supreme Court in the case between Kalindi (N) and other and Tata Locomotive and Engineering Company Ltd., Jamshedpur, reported in 1960, II, LLJ, page 228.

33. It is true that in view of the ruling relied upon by Shri Sanghvi the workmen against whom enquiry is being held has no right to be represented by the representative of the Union though of course an employer in his discretion can and may allow his employee to avail himself of such assis-

tance. But the management's action in refusing the employees to be represented by the union officials appears to be harsh. It shows its harsh attitude towards its employees. After all employees have no legal knowledge and it is but natural that they should be allowed to be represented by someone.

34. On the admission of Shri Sethi, the Chairman of the company in his evidence Ex. 38/E before me it is clear that Shri Desai who conducted the enquiry was not given appointment letter appointing him as Enquiry Officer and that Shri Sheth had instructed him to hold enquiry. What Shri Sheth wants to say is that he had given oral order to Shri Desai to hold enquiry.

35. It is contended by the workmen that Shri Desai was the man of the company, that he was under the influence of Shri Sheth and that on account of this he made only a show of enquiry without conducting a proper and fair enquiry.

36. Shri Sanghvi contends that mere fact that Shri Desai was the Officer of the Company will not make the enquiry bad. In support of this contention he relies on the Supreme Court ruling in the case between Saran Motors (Private) Ltd., New Delhi and Vishwanath and another reported in 1964, II, LLJ, page 139. This ruling lays down as follows :—

"It is well-known that enquiries of this type are generally conducted by the officers of the employer and in the absence of any special individual bias attributable to a particular officer, it has never been held that the enquiry is bad just because it is conducted by an officer of the employer."

37. In the present case the enquiry does not become bad simply because it was conducted by Shri Desai, who was the officer of the company.

38. In short, it is clear from the above discussions that the two enquiries in question were not proper and fair, that the principles of natural justice were violated in holding the enquiry and that the same are vitiated. Hence my findings on point Nos. i to iii are as above.

Point No. iv

39. It is contended that if the enquiries are vitiated the Tribunal should consider on evidence before it as to whether the charges levelled against the workmen are proved and as to whether the dismissal was justified.

40. Shri H. K. Sowani, learned Advocate for the Union relies on the Supreme Court ruling in the case between Delhi Cloth and General Mills Co. Ltd. and Ludh Budh Singh reported in 1972, I, LLJ, page 180 to point out the various principles regarding domestic enquiry. The principles laid down in this ruling are as follows :—

- "1. In no domestic enquiry has been held or if the management makes it clear that it does not rely upon any domestic enquiry held by it, it is straight away entitled to adduce evidence in support of the action proposed to be taken. The Tribunal is bound to consider that evidence so adduced before it on merits and give a decision thereon.
2. If a domestic enquiry has been held it is open to the management to rely upon such enquiry in the first instance and alternatively and without prejudice to its plea that the enquiry is proper and binding simultaneously adduce additional evidence before the Tribunal, justifying its action. In such a case no inference can be drawn, without anything more, that the management has given up its enquiry.
3. When the management relies on the enquiry and also simultaneously adduces evidence before the Tribunal without prejudice to its plea that the enquiry is proper, it is the duty of the Tribunal in the first instance to consider whether the enquiry is valid or proper. If it is satisfied the enquiry was proper the question of considering the evidence before it on merits no longer survives. It is only when the Tribunal holds the enquiry was not properly held it derives jurisdiction to consider the evidence adduced before it and decide on the basis of such evidence.
4. When the management relies on the domestic enquiry it is open to them to request the Tribunal to try the validity of the domestic enquiry as a preliminary issue and also ask for an opportunity to adduce evidence in case the preliminary issue is decided against them. When the preliminary issue is decided against the management and the latter wants to give

evidence before the Tribunal, an opportunity to adduce such evidence must be given. It will not be just and fair for the Tribunal to refuse to take evidence.

5. The management has got a right to attempt to sustain its order by adducing independent evidence before the Tribunal. But the management should avail itself of the said opportunity by making a suitable request to the Tribunal before the proceedings are closed.
6. If the employer relies only on the domestic enquiry and does not simultaneously lead additional evidence or ask for an opportunity during the pendency of the proceedings to adduce such evidence the duty of the Tribunal is only to consider the validity of the domestic enquiry as well as the finding recorded and decide the matter.
7. The above principles apply to the proceedings before the Tribunal which have come before it either on a reference under S. 10 or by way of application under S. 33 of the Act."

41. In the present case the management relies on the enquiry held by the Enquiry Officer. It has also adduced evidence before me to prove the charges in case the enquiries are held invalid. As I am holding that both the enquiries are vitiated, I am considering the evidence of the company and of the employees adduced before me for finding out as to whether the charges levelled against the employees are proved and as to whether the company's action in dismissing them was proper and justified.

42. In support of the charges Ex. 13/W and 26/W against S/Shri Kotian and Kulkarni respectively the company relies on the evidence of the Chairman Shri K. B. Sheth, Ex. 38/E and Smt. Shanta Ramesh Manjrekar, Ex. 39/E.

43. Shri K. B. Sheth, Chairman of the Company, Ex. 38/E issued circular dated 2-1-1969, Ex. 16/W. It is as follows :—

#### "TO ALL THE MEMBERS OF THE STAFF :

In view of the past experience, it is now desirable to avoid mistakes and a waste of time in the routine works, the management requests all the members of the staff, that they must submit their reports every two hours of their work done and not only that but they must inform the undersigned what they have got for the next day, to start with.

The undersigned feels pretty sure that everybody will co-operate in the above effort and regrets to inform that if the above is not carried out, they will be fined Rs. 2 per day for every interval of two hours."

44. According to Shri Sheth, Ex. 38/E:—

- (i) Workers were complying with the circular Ex. 16/W by giving slips. Shri Kotian and the other two employees were giving such slips. Musters were kept on the table and the employees used to sign the muster when they used to come to the office.
- (ii) On 28-1-1969, S/Shri Kotian and Kulkarni wrote a letter that they should be provided with a book duly signed by the Chairman to note down the work report. He did not supply the book as demanded by them. He told them that such books were never supplied and they should not insist for his signature. Thereafter they went away without saying anything.
- (iii) Shri Kotian came to him on 29-1-1969. He signed the muster roll and went away. Shri Kulkarni did not turn up. Thereafter both of them never came to the office.
- (iv) He received a letter from the Union on 28th evening or 29th morning of January 1969, vide Ex. 20/W. From 29-1-1969 S/Shri Kotian and Kulkarni did not attend the work. On 25-3-1969 he gave charge-sheet to S/Shri Kotian and Kulkarni.
- (v) S/Shri Kotian and Kulkarni were not respecting his instructions. They were speaking bad about the girls in the office. Shri Kotian was not giving the account of the money properly entrusted to him. He was spending money carelessly.

(vi) Shri Kulkarni was not doing sufficient typing work. He used to commit mistakes in typing deliberately. He was doing work slowly. Shri Kulkarni was not accompanying him to the office of the Cotton Textile Commissioner and export commission. He used to instruct Shri Kulkarni to accompany him because he used to avoid work deliberately.

(vii) Smt. Shantabai Manjrekar and Kum. T. Jaya were in the office at the material time. S/Shri Kotian and Kulkarni were talking bad about them. They were rude to them.

(viii) Pending enquiry S/Shri Kotian and Kulkarni were suspended. Shri Kotian had not asked to give him leave orally for the period from 2-11-68 to 28-11-1968. He warned Shri Kulkarni several times during the service of the company. He gave him last warning on 19-12-68 about his work, vide Ex. 29/E.

45. According to Smt. Shanta Ramesh Manjrekar, Ex. 39/E:

(i) She was working in the company from 1958 to 1969. In 1969 she gave resignation on her own. She is now working in the Western Engineering Company.

(ii) S/Shri Kotian, Kulkarni and Umesh Siryan were her colleagues in Harishkumar & Co. Pvt. Ltd. Shri Pawar was also working in Harishkumar & Co. Pvt. Ltd. She was managing the Export Department. She used to disburse salary and allot work. Shri Sheth, Chairman was treating all employees very nicely. Shri Sheth was helping his employees in all possible ways.

(iii) Shri Kulkarni was not co-operative with her. Shri Kotian was behaving rudely with her. Shri Kulkarni was slow in his work. He never used to complete his work. Shri Kotian was supposed to give account daily, but he never used to show the balance in his hand. From September 1968 onwards, Shri Kotian began to give her threats for putting her into trouble if she would not recommend his increment to Shri Sheth. Shri Kotian used to tell her that she was there in the office to please foreign buyers. She tolerated this behaviour for some time but later on she complained to Shri Sheth somewhere in January, 1969.

(iv) Shri Kulkarni some times used to accompany Shri Sheth to Cotton Textile Export promotion Council. Sometimes he refused to accompany him.

46. As regards Smt. Shanta Ramesh Manjrekar, Ex. 39/E, she was not a witness against the employees during the domestic enquiries held on 4-4-1969. She is examined for the first time before me. She admits in her cross-examination that her purpose in coming here is to oblige her master. Immediately after giving this admission she says that it is her duty to tell the truth and she has come here to tell truth. She further says that it is not true that always she got lift while returning home from office by Shri Sheth or his son. She admits that she is a family friend of Shri Sheth. In view of these admissions it is clear that she is highly interested in the company and that her evidence cannot be given any weight.

47. As regards Smt. Shanta Ramesh Manjrekar's allegations that Shri Kotian used to tell her that she was there in the office to please foreign buyers and that she had complained to Shri Sheth against him somewhere in January 1969, they were not specifically put to Shri Kotian in his cross-examination. Even Shri Sheth has not specifically stated in his evidence about these allegations. Hence these allegations made by Smt. Shanta Ramesh Manjrekar cannot be accepted.

48. As regards Smt. Shanta Manjrekar's allegation that Shri Kotian gave her threats of putting her into trouble if she would not recommend his increment to Shri Sheth, the same cannot be accepted as it was not specifically put to Shri Kotian in his cross-examination. Shri Sheth also does not speak about this.

49. As regard Smt. Manjrekar's allegation that Shri Kotian was supposed to give account daily, but he never used to show the balance in his hand, the same cannot be given any weight because she had no hand whatsoever in maintaining the accounts.

50. Against Shri Kulkarni Smt. Manjrekar says that he was slow in his work and that he never used to complete his work, that Shri Kulkarni used to accompany Shri Sheth to Cotton Textile Export Promotion Council and that sometimes he refused to accompany him. It is not understood as to how Smt. Manjrekar came to know that Shri Kulkarni had refused to accompany Shri Sheth to Cotton Textile Export Promotion Council. Her allegation that sometimes he refused to accompany Shri Sheth to Cotton Textile Export Promotion Council is vague. It cannot be given any weight.

51. Shri Kulkarni denies that he had slowed down his work. In view of his sworn testimony to this effect Smt. Manjrekar's allegation that Shri Kulkarni had slowed down his work cannot be given any weight.

52. As against the sworn testimony of Shri K. B. Sheth Ex. 38/E, there is a sworn testimony of Shri Kotian, Ex. 24/W and of Shri Kulkarni, Ex. 31/W.

53. Shri Kotian Ex. 24/W states in his evidence as mentioned below :—

"It is not correct to suggest that I was behaving rudely with the other members of the staff. It is not true that I was not obeying the order of the superiors.

It is not correct that I was reprimanded and I stopped coming to the office since then.

It is not correct to suggest that I was behaving rudely with the lady clerks. Company used to keep some money with me for meeting sundry expenses in connection with clearing work. It is not correct to suggest that I was utilising the money contrary to the instructions given by the company. It is not correct to suggest that I have remained absent without permission during the period from 28-1-1969 to 25-3-1969. I used to attend office regularly during this period. . . ."

54. Shri Kulkarni, Ex. 31/W states in his evidence as follows:—

"It is not true that I behaved rudely with the other members of the staff. It is not true that I have slowed down my work and that I was not complying the order of my superiors. It is not true that I was causing obstruction to company's work by remaining absent and that it was not my policy. It is not true that doing all this we all were doing in complicity with Shri Shanker A. Kotian . . ."

55. He also says in his cross-examination as follows :—

"I used to go to the office of the Cotton Textile Export Promotion Council for the work of the company. It never happened that Shri Sheth had asked me to follow him to the office of the C.T.E.P.C. and that I did not follow him. . . ."

56. Shri Sheth, Ex. 38/E says in his evidence that from 29-1-1969 Shri Kotian and Kulkarni did not attend work and that on 25-3-1969 he gave charge-sheet to both of them suspending them, pending enquiry.

57. It appears that S/Shri Kotian and Kulkarni had made application in the Payment of Wages authority for getting their wages. Shri Sheth admits in his cross-examination that it is true that S/Shri Kotian, Kulkarni, Siryan and Pawar were paid till 25-3-1969. In view of this admission it cannot be said that S/Shri Kotian and Kulkarni were not on duty from 29-1-1969 till 25-3-1969.

58. In the charge-sheet Ex. 13/W against Shri Kotian it is mentioned that he remained absent without leave for more than eight consecutive days. Specific period during which he remained absent has not been mentioned in the charge-sheet. During the cross-examination of Shri Kotian entries in the attendance register for the period from 11-11-1968 to 27-11-1968 were brought to his notice. Shri Kotian says in

his cross-examination that these entries are incorrect, that he was on sanctioned leave during this period and that as he received wire he went to the house of Shri Sheth and took his oral permission going on leave. It appears from the cross-examination that he had shown the telegram regarding the illness of his wife to Shri Sheth and taken his permission. It appears to me that Shri Kotian might have taken oral permission for absence. Otherwise the company would not have kept quite till March, 1969.

59. In 1966, Shri Kotian had given apology. It is as follows:—

"I, Mr. Shankar Kotian, hereby confess that I have not acted according to the instructions of the office and misbehaved and also disturbed the office routine work often.

Also I have spent the money in Docks, Customs etc. contrary to the instructions.

I sincerely apologise for the above and hence onwards would strictly follow the instructions and would not give any cause, which would be detrimental to the office.

Thanking you and regretting for the above.

Sd/-."

60. On 28th February, 1967, Shri Kotian wrote a letter to Shri K. B. Sheth as mentioned below :—

"I have no words even to write how much you have done for me.

It was because of you that I could educate my younger brothers and brought them up. Even I managed to maintain my family, after the death of my father—just because of your kindness and generosity.

Whatever I am today, a married man, with wife, house to stay and a child is all your blessings and kindness. Even the insurance policy, a life long helping hand for me which I can never forget.

I am not educated man, but can say that you have helped me in all respects as your own. Now I hope you will stand by my side and help me out.

Thanking you,

Yours obediently,  
Sd/-  
(Shanker)"

61. It seems that the company accepted the apology, Ex. 7/W tendered by Shri Kotian. Thereafter Shri Kotian started working sincerely, and the company also helped him in educating his brothers and giving all other facilities.

62. In short, if we consider the evidence of Shri Sheth, Smt. Manjrekar and two workmen S/shri Kotian and Kulkarni I find that the various allegations made against them as mentioned in charge-sheet Ex. 13/W and Ex. 26/W cannot be held proved.

63. In the present case evidence on record shows that Shri Kotian was working with the company since 1953 and Shri Kulkarni was working with the company since 1956. It means that at the time of their dismissal Shri Kotian had put in more than 16 years service and Shri Kulkarni had put in about 13 years of service.

64. It also appears that on account of circular dated 2-1-1969 regarding report of work in every two hours, By 16/W, the workmen had approached the Union and the Union had written a letter to the company requesting them to withdraw the harsh circular. It is only thereafter that the company started treating the workers harshly which ultimately resulted in their dismissal after holding enquiry and suspending them. It appears to me that the company did not like the workmen joining the Union and that on account of this, the company victimised them, giving them highly disproportionate punishment on the basis of the findings of the domestic enquiry.

65. On evidence before me I am not prepared to hold the charges Ex. 13/W and 26/W levelled against Shri Kotian and Kulkarni respectively proved. Hence the action of the

company in dismissing them cannot be justified. The same deserves to be set aside. Hence my finding on point No. iv is as above.

Point No. v.

66. As regards Shri Siryan, his case is that he has been dismissed without notice and enquiry.

67. The company on the other hand contends by its written statement Ex. 6/E, that on and from 15-2-1969 Shri Umesh Siryan stopped reporting for work and that he voluntarily abandoned the services of the company.

68. In support of the contention of the company reliance is placed on the evidence of Shri K. B. Sheth. According to Shri Sheth, Shri Siryan started with Rs. 100/-. His last pay was Rs. 120/-. He used to give salary to the employees on or about 7th of every month. He paid the salary of January 1969 in the month of February 1969. A loan of Rs. 100/- was outstanding against Shri Siryan at the end of January 1969. Voucher Ex. 33/W is the voucher against which the loan was paid to Shri Siryan. Salary of Shri Siryan amounting Rs. 120/- was paid to him without deducting loan amount. Shri Siryan left the service either on 13th or 14th of February 1969. He did not come for duty thereafter. The company sent registered letter to Shri Siryan on his last known address but the registered letter was returned by the postal authorities as the addressee was not found (Ex. 36/E)

69. As against the evidence of Shri Sheth there is sworn testimony of the employee Shri Umesh Siryan, Ex. 32/W.

70. According to him,

(i) He joined the company in July 1968 as a Custom and Dock Clerk on a monthly pay of Rs. 125/- per month. In January 1969 the company issued a circular directing the employees to make report about their work every two hours. In case the employees fail to make report he was to be fined Rs 2/- for every two hours. He was making reports orally.

(ii) Subsequently the management issued another circular directing the employees to give written report. In connection with this circular he made grievance to the Union. The Union raised the protest against this Circular to the management.

(iii) He was not given pay of January 1969. He therefore approached the Union and made grievance for the non-payment of the pay for the month of January, 1969. The Union accordingly wrote a letter to the company in this respect.

(iv) On 18-12-1969 after receiving the Union's letter, the Chairman, Shri K. B. Sheth called him and told him, "It appears that you are a member of the Union. Do not come to work." Shri Sheth stopped him from work and prevented him from making signatures in the muster roll. Even then he continued to go to the office on alternate days but he was not allowed to work. The company did not give him any written notice directing him not to work.

(v) Even after the conciliation proceedings the company did not call him to work.

71. In cross-examination, Shri Siryan says as follows :—

"It is not true that I did not go to the company for work after 15th February. I was going to the company for work upto 18th I made application before the payment of Wages Authority. This application is of 83 of 1970. My evidence was recorded in that case. I do not know whether that application was dismissed.

It is not true that I left the job of the company from 15-2-1969 of my own accord. I have not received the letter from the company dated 25-3-1969, shown to him."

72. In the registered letter Ex. 36/E, it is mentioned that the office records show that Shri Siryan stopped attending

office for no reason whatsoever and he either cared to inform the company of his intention to leave employment nor cared to surrender the Dock and Custom pass, papers and other articles pertaining to the company till this day.

73. Admittedly the registered cover in which the letter was sent to Shri Siryan was not delivered to him. Shri Siryan in his evidence says that he never received letter Ex. 36/E. It is a fact that Shri Siryan never received the letter but the registered cover was returned to the company.

74. The company's case that Shri Siryan left the job on his own accord is difficult to accept. Shri Sheth, Ex. 38/E admits in his evidence that it is true that S/shri Kotian, Kulkarni, Siryan and Pawar were paid their wages till 25-3-1969. It seems that on account of the application before the Payment of Wages authority, these persons were paid their wages. If Shri Siryan was paid wages till 25-3-1969, it cannot be said that he was not on duty of the company from 15-2-1969 till 25-3-1969 and that he left the job of the company voluntarily from 15-2-1969.

75. In the letter Ex. 36/E it is nowhere mentioned that Shri Siryan should join the service immediately falling which his name will be struck off from the register. In the absence of such notice, it cannot be said that Shri Siryan had voluntarily abandoned the service.

76. From the record it is clear that the company did not hold departmental enquiry against Shri Siryan. It did not issue any notice of termination of service to Shri Siryan.

77. The company's case that Shri Siryan voluntarily abandoned the service from 15-2-1969 cannot be accepted. From Shri Siryan's evidence and other facts on record it is clear that the company stopped Shri Siryan from work without any justification. This amounts to illegal termination of service of Shri Siryan. Hence my finding on point No. v is that Shri Siryan's services have been terminated without notice and enquiry.

Point No. vi.

78. As the termination of services of S/shri Kotian, Kulkarni and Siryan is not justified they are entitled to reinstatement with continuity of service.

79. As regards back wages in respect of these three employees different consideration will apply in respect of each employee, in view of the circumstances regarding employment of S/shri Kotian and Kulkarni in other concerns during the pendency of the reference.

80. As regards Shri Kulkarni it is stated in the application dated 9-10-1973 given by the company that Shri Kulkarni is in the employment of Maharashtra Housing Board with effect from 16-12-1970. The certificate dated 4-10-1973 from the Executive Engineer, Housing Bandra Division, Bombay is produced alongwith this application. The Union in its reply to the company's application dated 9-10-1973 admits that Shri Kulkarni is employed as a work-charged Karkoon with the Maharashtra Housing Board. There can be therefore no doubt that Shri Kulkarni is in the employment of the Maharashtra Housing Board from 16-12-1970. So he will be entitled to back wages with effect from the date of dismissal till 15-12-1970.

81. As regards Shri Kotian it is stated that he is in the employment of one Delexe Shipping Agency, 296, P. D.' Mello Road, Bombay-1 and the said Delexe Shipping Agency has obtained a Dock and Custom pass dated 29-9-1972 for Shri S. A. Kotian from Assistant Collector of Customs. It is also alleged that prior to joining Delexe Shipping Agency, Shri Kotian was employed with Goculdas Hansraj, Bauman Building, 12, Calicut St., Bombay-1 (Dock and Custom Pass being dated 1-5-1971).

82. The Union states in its reply to the company's application dated 9-10-1973 that the employment of Shri Kotian with Messrs Goguldas Hansraj was of purely temporary nature and the present employment of Shri Kotian with Messrs Delux Shipping Agency is also of a temporary nature.

83. From the company's application dated 9-10-1973 and the Union's reply to the same dated 12-10-1973 and other evidence on record it is not possible to find out the exact

date on which Shri Kotian got employment during the pendency of the reference. In view of these circumstances I direct that he will be entitled to back wages from the date of dismissal till the date on which he got re-employment in other concerns during the pendency of this reference and that he should get the back wages determined by making application under Section 33(c)(2) of the I.D. Act, 1947.

84. As regards Shri Umesh Siryan there is nothing on record to show that he also got employment in some concern after his dismissal from the company. I, therefore, direct that he should get back wages from the date of dismissal till the date of reinstatement. Hence my finding on this point is that the employees are entitled to reinstatement with continuity of service and back wages as mentioned above.

Point No. vii.

85. In Misc. Petition No. 787 of 1970 filed against Part I Award of this Tribunal, the Hon'ble High Court of Judicature at Bombay has given stay as mentioned below vide certified copy of Stay Order Ex. 41/E produced alongwith application before me on 5-12-1973.

"Proceedings under reference before the Tribunal should go up to the stage of making up the Award by the Tribunal. Further proceedings by way of submitting an Award by the Tribunal to the Union Government are stayed till the disposal of the petition."

86. In view of the above stay order, I dispose of the reference by making an Award, but I am not submitting this Award to the Union Government for taking further steps.

87. In the end I pass the following order :—

#### ORDER

- (i) It is hereby declared that the action of M/s Harish Kumar & Co. Pvt. Ltd., 7, Noble Chambers, Parsi Bazar St., Fort, Bombay-1 in dismissing S/shri S. A. Kotian, M. V. Kulkarni and Umesh S. Siryan from their service with effect from 7-5-1969 is not justified and that they are entitled to reinstatement with continuity of service and back wages.
- (ii) As regards back wages in respect of Shri M. V. Kulkarni he is entitled to back wages with effect from the date of dismissal till 15-12-1970 only.
- (iii) As regards back wages in respect of Shri S. A. Kotian he is entitled to back wages from the date of dismissal till the date he got employment in other concern after his dismissal and he should get the wages determined by filing application under Section 33C(2) of the I.D. Act, 1947.
- (iv) As regards back wages in respect of Shri Siryan he is entitled to back wages with effect from the date of dismissal till the date of reinstatement in service.
- (v) Award Part II is made accordingly.
- (vi) In view of the stay order of the High Court of Judicature at Bombay referred to above, this Award is not to be sent to the Government till the disposal of the Misc. Petition No. 787 of 1970, pending before it.
- (vii) No order as to costs.

Dated the 31st January, 1974.

#### FURTHER ORDER

In this case Shri H. K. Sowani, Advocate for the workmen has given application dated 31-1-1974 as mentioned below :—

"May it please the Hon'ble Tribunal, I beg to produce the certified copy of the minutes of the order of the Bombay High Court dated 10th December, 1973 passed by His Lordship Hon'ble Mr. Justice Rege in Misc. Petition No. 787 of 1970.

In view of the above order I pray that the Hon'ble Tribunal may be pleased to sign and submit the order to the Central Govt. The Government may



be informed that its publication is stayed until the disposal of the Writ Petition."

2. The order passed by the Hon'ble High Court at Bombay on 10-12-1973 in Misc. Pet. No. 787 of 1970 is as follows :—

"P.C.—In this matter my brother Judge Tulzapurkar, by his order dated 14th December, 1970, had stayed further proceedings by way of submitting an award by the Tribunal to the Union Government till the disposal of this petition, but had allowed the proceedings under reference before the Tribunal to go upto the stage of making of the Award.

The learned Counsel for Respondents Nos. 3 to 5 has now applied for the variation of the said order dated 14th December, 1970 as according to him, the tenure of the Tribunal who made the Award is now coming to an end. The variation asked for by him is to allow the Tribunal to sign and submit the Award to the Union Government (i.e. respondent No. 1) but that the Union Government shall not publish the same until the hearing and final disposal of this petition.

The learned Counsel for the Petitioners has no objection to the above variation, while the learned counsel for respondents Nos. 1 and 2 submit to the orders of the Court.

P.C.—The said order dated 14th December, 1970 is varied accordingly."

3. In view of the above, I pass the following order :—

#### ORDER

(i) Award Part II as mentioned above is submitted to the Union Government with a request that the same shall not be published until the hearing and final disposal of the Misc. Pet. No. 787 of 1970 pending before the High Court of Judicature at Bombay.

N. K. VANI, Presiding Officer.

[No. 29/57/69-FAC-II/P&D/CMT/D IV/(A)]

NAND LAL, Section Officer (Spl.).

नई दिल्ली, 1 जुलाई, 1975

का० प्रा० 2238—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री एम० एल० साहा को उक्त अधिनियम, और स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हो, सम्पूर्ण दिल्ली संघ राज्य क्षेत्र के लिए निरोधक नियुक्त करती है।

[सं० ए-120/16(4)/74-पी० एफ० 1]]

New Delhi, the 1st July, 1975

S.O. 2238.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby appoints Shri M. L. Saha to be an Inspector for the whole of the Union territory of Delhi for the purposes of the said Act and the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port,

a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State

[No. A-12016/4/74-PF.I]

का० प्रा० 2239—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय, श्रम और रोजगार विभाग की अधिसूचना सं० का० प्रा० 3356 तारीख 24 नवम्बर, 1973 को अधिकांश करते हुए केन्द्रीय सरकार सर्व श्री एस० सूरि और राजकुमार चौपड़ा को उक्त अधिनियम और स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हो, सम्पूर्ण दिल्ली संघ राज्य क्षेत्र के लिए निरोधक नियुक्त करती है।

[सं० ए-12016/(4)/74 पी० एफ० 1(i)]

S.O. 2239.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) S.O. 3356 dated the 24th November, 1973, the Central Government hereby appoints Sarvashri S. R. Suri and Raj Kumar Chopra to be Inspectors for the whole of the Union territory of Delhi for the purposes of the said Act and the Scheme and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(4)/74-PF.I(i)]

का० प्रा० 2240—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० प्रा० 1200 तारीख 3 मई, 1974 को, अधिकांश करते हुए केन्द्रीय सरकार श्री के० सी० शर्मा को उक्त अधिनियम, स्कीम और उसके अधीन विरचित कुटुम्ब पेंशन स्कीम के प्रयोजनों के लिए केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के संबंध में या किसी ऐसे स्थापन के संबंध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों सम्पूर्ण पंजाब, हरियाणा, हिमाचल प्रदेश राज्य और चण्डीगढ़ के संघ राज्य क्षेत्र के लिए निरोधक नियुक्त करती है।

[सं० ए-12016(4)/74-पी० एफ० 1(ii)]

S.O. 2240.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour No. S.O. 1200 dated the 3rd May, 1974, the Central Government hereby appoints Shri K. C. Sharma to be an Inspector for the whole of the States of Punjab, Haryana, Himachal Pradesh and Union territory of Chandigarh for the purposes of the said Act, the Scheme



and the Family Pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(4)/74-PF.I(ii)]

का० प्रा० 2241.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसेर्स इन्ट्राड एजेन्सीज, 175/1, माउन्ट रोड, मद्रास नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1974 के जून के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35019(7)/75-पी०एफ० 2(ii)]

S.O. 2241.—Whereas it appears to the Central Government that the employer and the majority of employees in relation to the establishment known as Messrs Intrad Agencies, 175/1, Mount Road, Madras have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of June, 1974.

[No. S. 35019/7/75-PF.II(i)]

का० प्रा० 2242.—कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार इस विषय में आवश्यक जांच कर लेने के पश्चात् इन्ट्राड एजेन्सीज, 175/1, माउंट रोड, मद्रास नामक स्थापन को 1 जून, 1974 से उक्त परन्तुक के प्रयोजनों के लिए विनिविष्ट करती है।

[सं० एस-35019(7)/75-पी०एफ० 2(ii)]

S.O. 2242.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the 1st day of June 1974, the establishment known as Messrs Intrad Agencies, 175/1, Mount Road, Madras, for the purposes of the said proviso.

[No. S. 35019/7/75-PF.II(ii)]

का० प्रा० 2243.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि वि इन्स्टिट्यूशन आफ इंजीनियरिंग इन्स्पेक्शन इन्डिया, तिरुचिरापल्ली

चेम्बर, बी-5/216, बी०एच०ई०एल० टाउनशिप, तिरुचिरापल्ली-14 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए ;

अतः, अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1974 के अप्रैल के प्रथम दिन को प्रवृत्त हुई समझी जाएगी।

[सं० एस-35019 (19)/75-पी०एफ० (2)(i)]

S.O. 2243.—Whereas it appear to the Central Government that the employer and the majority of the employees in relation to the establishment known as the Institution of Engineering, Inspection India, Tiruchirapalli Chapter, B-5/216, B.H.E.L. Township 'Tiruchirapalli-14 have agreed that the provisions of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1974.

[No. S. 35019/19/75-PF.II(i)]

का० प्रा० 2244.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि और कुटुम्ब पेंशन निधि अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबंध विषय में आवश्यक जांच करने के पश्चात् 1 अप्रैल, 1974 के दि इन्स्टिट्यूशन आफ इंजीनियरिंग इन्स्पेक्शन इन्डिया, तिरुचिरापल्ली चेम्बर बी-5/214, बी० एच० ई० एल० टाउनशिप, तिरुचिरापल्ली-14 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिविष्ट करती है।

[सं० एस-35019(19)/75-पी०एफ० 2(ii)]

प्रसन्न चन्द्रा, प्रथम सचिव

S.O. 2244.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1974, the establishment known as The Institution of Engineering Inspection India, Tiruchirappalli, Chapter, B-5/214, B.H.E.L. Township, Tiruchirapalli-14 for the purposes of the said proviso.

[No. S. 35019(19)/75-PF.II(ii)]

PARSAN CHANDRA, Under Secy.

नई दिल्ली, 1 जुलाई, 1975

का० प्रा० 2245.—यतः उत्तर प्रदेश सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (घ) का अनुसरण करते हुए, कर्मचारी राज्य बीमा निगम में उस राज्य का प्रतिनिधित्व करने के लिए श्री अनुपसिंह के स्थान पर श्री के० एन० श्रीवास्तव आशुक्त एवं सचिव, उत्तर प्रदेश, श्रम विभाग को नाम निर्दिष्ट किया है ;

अतः, अब, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 का अनुसरण करते हुए, केन्द्रीय सरकार, भारत सरकार के भूतपूर्व श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 2763 तारीख 27 मई, 1971 में निम्नलिखित संशोधन करती है,

अर्थात् :—

उक्त अधिसूचना में, (धारा 4 के खण्ड (घ) के अधीन राज्य सरकार द्वारा नामनिर्दिष्ट) शीर्ष के अधीन मव 20 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

“श्री के० एन० श्रीवास्तव,

आयुक्त एवं सचिव, उत्तर प्रदेश सरकार

श्रम विभाग, लखनऊ”

[फा० सं० यू० 16012(2)/75 एच घाई]

जगदीश चन्द्र सक्सेना, श्रम सचिव

New Delhi, the 1st July, 1975

**S.O. 2245.**—Whereas the State Government of Uttar Pradesh has, in pursuance of clause (d) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) nominated Shri K. N. Srivastava, Commissioner-cum-Secretary to the Government of Uttar Pradesh, Department of Labour to represent that State on the Employees' State Insurance Corporation in the place of Shri Anup Singh;

Now therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2763, dated the 27th May, 1971, namely :—

In the said notification, under the heading (Nominated by the State Governments under clause (d) of section 4), for the entry against item 20, the following entry shall be substituted, namely :—

“Shri K. N. Srivastava,

Commissioner-cum-Secretary to the Government  
Uttar Pradesh,

Department of Labour, Lucknow”

[F. No. U-16012(2)/75-HI]

J. C. SAXENA, Under Secy.

New Delhi, the 1st July, 1975

**S.O. 2246.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Kumardihi Colliery, Post Office Ukhera and their workmen, which was received by the Central Government on the 24th June, 1975.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA.

Reference No. 23 of 1974.

PARTIES :

Employers in relation to the management of Kumardihi Colliery.

AND

Their Workmen.

APPEARANCE :

On behalf of Employers.

Shri N. Das, Advocate, with

Shri B. No. Lala, Asstt. Chief Personnel Officer,  
Shri S. N. Mishra, Asstt. Chief Personnel Officer,  
Shri R. R. V. K. Sinha, Industrial Relation Officer.

On behalf of Workmen

Absent

State : West Bengal

Industry : Coal Mine.

#### AWARD

The Government of India, in the Ministry of Labour, by their Order No. L-19012/5/74-LRII, dated 11th December, 1974 referred an industrial dispute existing between the employers in relation to the management of Kumardihi Colliery and their workmen to this tribunal, for adjudication. The reference reads as follows :

“Whether the management in relation to Kumardihi Colliery, Post Office Ukhera, District Burdwan (Coal Mines Authority Limited) are justified in awarding the punishment of suspension without wages for the period from the 24th November, 1973 to the 28th November, 1973 to Shri Satrugan Dora, Quarry Loader? If not, to what relief is the workman entitled?”

2. The workman's case is that he had been wrongfully suspended from service from 24-11-1973 to 28-11-1973 by the management after holding an illegal and unfair domestic enquiry. According to him the enquiry and the punishment were due to victimisation of the workman on account of his trade union activities.

3. The management denied the allegation. They stated that the workman abused his superior officer at his office; that the workman was chargesheeted and that an enquiry had properly and correctly been conducted against him. After holding the enquiry the management was said to have suspended the workman from service. So, according to the management, the workman is not entitled to any relief.

4. When the case came up for hearing to-day the workman as well as the union who espoused his cause remained absent and they were declared ex-parte. On behalf of the management the officer who conducted the enquiry has been examined. He proved that the workman was chargesheeted because of the abusing words he used against his superior officer while he was doing his work at the office. According to him the enquiry was also conducted in the presence of the workman giving him ample opportunity to cross-examine the witnesses. The case against workman having been proved the enquiry officer found him guilty of the charge. On the basis of the charge the order of suspension had been passed by the authority who is competent to do so under the Standing Orders. There is no evidence to the contrary as against the evidence of the enquiry officer. He also stated that the charge was not laid as a measure of victimisation for the alleged trade union activities of the workman. There is, therefore, no ground to accept the workman's case that a false charge was foisted against him and that he was punished accordingly.

5. In the result the reference is found against the workman and the award is passed accepting the management's order of suspension against the workmen.

E. K. MOIDU, Presiding Officer.

[No. L-19012/5/74-LR II/D.O. III B]

Dated, Calcutta,

The 18th June, 1975.

**S.O. 2247.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta, in the industrial dispute between the employers in relation to the management of Damoda Colliery, Post Office Raniganj, District Burdwan and their workmen, which was received by the Central Government on the 24th June, 1975.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL  
AT CALCUTTA**

Reference No. 2 of 1974

**PARTIES :**

Employers in relation to the management of Damoda Colliery,

**AND**

Their Workmen.

**APPEARANCE :**

On behalf of Employers—Sri N. Das, Advocate, with Sri B. N. Lala, Assistant Chief Personnel Officer appears for the Coal Mines Authority Limited.

Nobody appears for Messrs Damoda Coal Co. (P) Ltd.

On behalf of Workmen—Sri S. Roy, Advocate, with Sri Sunil Sen, Org. Secretary of the Union.

State: West Bengal

Industry: Coal Mines

**AWARD**

By Order No. L-19012/86/72-LR11, dated 23rd February, 1974, the Government of India, in the Ministry of Labour referred an industrial dispute existing between the management of Damoda Colliery, P.O. Raniganj Dist. Burdwan and their workmen, to this tribunal for adjudication. The reference reads as follows:

"Whether the management of Damoda Colliery, Post Office Raniganj, District Burdwan was justified in dismissing Sarva Shri Binayak Singh, Chaprasi, Ch. Lachman Singh, Night Guard and Algu Singh, Mining Sirdar from the 19th June, 1972? If not, to what relief are the concerned workmen entitled?"

2. The question that arose for determination in this reference at the first instance was as regards the legality or validity of the domestic enquiry which was held by the management resulting in the dismissal of the three workmen named in the reference; the contesting parties agreed that this question should be decided first before entering into the merits of the case. Accordingly, this question was taken up first and decided on 25-3-1975 and an order passed. A copy of the said order is annexed with this Award and marked Annexure 'A'.

3. The next contention raised on behalf of the union is that the dismissal order dated 19-6-1972 passed against the workmen is vitiated due to victimisation and bad labour practice. Ordinarily a tribunal will be justified in interfering with the order of dismissal against a delinquent workman at the instance of the management when there is (i) want of good faith; (ii) there is victimisation or unfair labour practice; (iii) that the management has been guilty of basic error of a principle of natural justice, and (iv) when on the materials the finding is completely baseless and perverse. Point (iv) has already been answered against the union vide my order dated 25-3-1975.

4. It is relevant to point out that the different stages of the domestic enquiry conducted against the workmen resulted in the ultimate dismissal on 19th June, 1972. The alleged incident at the office of the colliery leading to the enquiry against the workmen was on 11-4-1972. The chargesheets dated 17-4-1972 and 18-4-1972 were served on the workmen in due course and in answer to the charges the workmen filed their explanation on 27-4-1972. However, with effect from 14-4-1972 the workmen were kept under suspension from service. The enquiry was conducted from 8-5-1972 to 11-5-1972 for three days and the enquiry officer passed the order on 26-5-1972 finding the workmen guilty of the charges. That order was approved on 12-6-1972 by the

Manager of the colliery who was examined as witness no. 2 for the management before the tribunal. He expressed the opinion that in view of the gravity of the charge the workmen shall be dismissed from service. Accordingly, the Managing Director of the Colliery which was owned by a Private Limited Company ordered the dismissal of the workmen on 19-6-1972 giving his reasons for the extreme penalty.

5. We have to consider whether at any stage of the enquiry and finally passing of the order of dismissal there had been any reasonable ground made out to hold that the management vindicate its want of good faith or they made any act of victimisation or unfair labour practice against the workmen.

6. The Colliery Mazdoor Sabha (AITUC), Asansol, had been agitating for some time past to secure full implementation of the accepted recommendations of the Central Wage Board for Coal Mining Industry by the management of Damoda colliery of Messrs Damoda Coal Company Private Limited. The specific matters in dispute related to the payment of V.D.A., giving of annual increment and grant of sick leave in accordance with the recommendations of the Coal Wage Board. The Colliery Mazdoor Sabha had formally raised an industrial dispute before the Assistant Labour Commissioner, Central, Raniganj, which was taken up for conciliation by the Assistant Labour Commissioner, Asansol, but the conciliation ended in failure. On the strength of the failure report the Central Government referred the industrial dispute for adjudication to this tribunal under its order dated 28-10-1970. Pending adjudication proceeding the dispute was settled between the parties on 17-11-1970 in a written agreement. Ext. W-1 is the settlement is question.

7. In spite of the above settlement the case of the union is that the management of the Damoda colliery did not implement the terms of the settlement. The union vide their letters Exts. W-2 dated 29-4-72 and Ext. W-3 dated 12-5-72 informed the management that they did not implement the terms of settlement. It is relevant in this connection to point out that in both these letters the union had also raised the issue that the workmen in question were being harassed and that they were wrongfully kept under suspension on account of their trade union activities. However, on 22-5-72 the union drew up a charter of demand vide Ext. W-4 detailing the grievances of the workmen of the colliery due to the non-implementation of the terms of compromise and also wrongful suspension of the concerned workmen. Ext. W-4 was sent to the regional Labour Commissioner (C), Asansol for appropriate action. Due to the failure of the management to implement the terms of settlement the workers of the colliery had also entered on a strike at the office of the Managing Director with effect from 20-5-1972. In this connection the Assistant Labour Commissioner contacted both the Managing Director as well as Sri Sunil Sen, Org. Secretary, Colliery Mazdoor Sabha, for a peaceful settlement of the dispute as well as withdrawal of the strike at the office of the Managing Director. On 22-5-1972 when the Managing Director met the Assistant Labour Commissioner he had agreed that the disciplinary proceedings against the workmen shall be kept pending until all the issues raised by the union in Ext. W-4 Charter of Demand were amicably settled. When the Assistant Labour Commissioner met Sri Sunil Sen on the next day i.e. on 23-5-1972, the assurance of the Managing Director on the previous day was communicated to him that the disciplinary action against the three workmen shall be kept pending until all the disputes were settled between the parties. This assurance of the Managing Director was contained in a letter dated 23-5-1972 which the Assistant Labour Commissioner addressed to Sri Sunil Sen. That letter formed part of Ext. W-5 letter which the Assistant Labour Commissioner had addressed to the Managing Director of the Colliery. Ext. W-5 together with the enclosure would reveal that the Managing Director had given an undertaking to the Assistant Labour Commissioner that he shall keep the disciplinary proceeding against the workmen pending until finalisation of the disputes on the basis of the charter of demands contained in Ext. W-4 letter. But in spite of Ext. W-5 letter with the enclosure the Managing Director directed the Enquiry Officer to pass a final order in the enquiry on 26-5-1972. The Manager to give approval to the finding on 12-6-1972 and himself to pass the order dismissing the workmen on 19-6-1972. After passing the order of dismissal Sri Sunil Sen had questioned propriety of the order in Ext. W-6 letter addressed to the Managing Director. He also sent Ext. W-7 letter dated 20-7-1972 to

the Assistant Labour Commissioner reminding him that his charter of demand as contained in Ext. W-4 should be enquired into and arrange the same to be implemented. A clear case of victimisation of workmen was alleged in another letter Ext. W-8 dated 10-7-1972 addressed by Sri Sunil Sen to the Assistant Labour Commissioner asking him for his intervention. Similar representations had been made by the workmen themselves to the management in their letters Exts. W-13 to W-16. In reply to Ext. W-7 letter the Assistant Labour Commissioner sent Ext. W-9 reply dated 28-7-1972 to Sri Sunil Sen assuring him that effective steps were being taken regarding the implementation of the Wage Board recommendations by the Damoda colliery. Finally Sri Sunil Sen made out an industrial dispute regarding the dismissal of the workmen in his letter Ext. W-10 dated 22-8-1972 which was addressed to the Assistant Labour Commissioner (C), Raniganj. In continuation of that letter Ext. W-11 was also sent to the Assistant Labour Commissioner reiterating the charter of demand contained in Ext. W-4. The Assistant Labour Commissioner held conciliation proceedings on 30-8-1972 and 6-9-1972 in the presence of all the parties on the basis of Exts. W-10 and Ext. W-11 representations regarding the disciplinary proceedings against the workmen. But the conciliation effort by the Assistant Labour Commissioner proved in a failure and Ext. M-3 was the failure report. It is thereafter that the dispute was referred to this tribunal for adjudication.

8. That there had been want of good faith on the part of the management in conducting the enquiry resulting in the dismissal of the three workmen was made clear from the Assistant Labour Commissioner's letter Ext. W-5 addressed to the management of the colliery as well as the letter that was enclosed therewith which in turn was the communication the Assistant Labour Commissioner addressed to the Union Secretary. These letters revealed that the Assistant Labour Commissioner met the Managing Director on 22-5-1972 and the Secretary of the union on 22-5-1972 as well as on 23-5-1972. The Managing Director wanted the strike at the office of the colliery started on 20-5-1972 to be withdrawn and the Secretary of the Union wanted that the disciplinary action against the three workmen to be kept pending until the charter of demands made in Ext. W-4 as well as in Ext. W-11 were to be complied with. It was seen that the Managing Director when he met the Assistant Labour Commissioner on 22-5-1972 assured him that he shall keep the disciplinary action pending subject to the finalisation of the other demands by the union on behalf of the workmen. It was on the basis of that undertaking and assurance that the Assistant Labour Commissioner prevailed upon the Secretary of the union to withdraw the strike. As a matter of fact the strike had been withdrawn but the Managing Director pressed the enquiry without any regard for the assurance which he had given to the Labour Commissioner and the Labour Commissioner in his turn had given to the Secretary of the Union. The Assistant Labour Commissioner reiterated in Ext. W-5 letter to the Managing Director that he had undertaken to keep the disciplinary action against the workmen pending until the disposal of the other disputes. The Managing Director disregarded the assurance which he had given to the workmen in this case and passed on 19-6-1972 the dismissal order thereby negating the proposed settlement of the dispute which existed between the management and the workmen.

9. It is clear from the circumstances of the case that the Managing Director had broken his promise and proceeded with the enquiry against the workmen. This is a striking example of malafide on the part of the management. It is true that the union alleged the violation of the agreement on the part of the management only after the chargesheets were handed over to the delinquent workmen in this case. But that by itself is not a circumstance to hold that the management did not show want of good faith against the workmen. It has been established in the case that the management at one stage wanted to settle the dispute amicably. That was a circumstance to show that there was some pending disputes between the parties. It was in that connection that the management was prepared to settle the domestic enquiry against the workmen and thereby the strike at the office of the colliery vacated. After having got the strike vacated the management did not make any attempt at conciliation either of the demands made by the workmen and stay the domestic enquiry against the three delinquent workmen; on the other hand the Managing Director passed the order of dismissal. This is a circumstance to show that

there was want of good faith on the part of the management. That circumstance alone is sufficient to hold that the dismissal is vitiated by want of good faith which in the circumstances of the case can also be regarded as unfair labour practice. It follows from this conclusion that there was an attempt of victimisation of the concerned workmen.

10. It is in evidence that these three workmen were the office-bearers of the local branch of the Colliery Mazdoor Sabha. Sri Algu Singh, examined as witness no. 2 who is one of the delinquent workmen, stated that he was the Assistant Secretary of the Damoda Colliery branch union. The other co-worker Sri Binayak Singh was the President of that union and the third worker was a Committee member. That they were office-bearers of the branch union was established from the notices which they received from the Assistant Labour Commissioner. These notices are marked as Exts. W-17 series. A feable attempt was made on behalf of the management to show that they were not office-bearers at the time of the incident. But the evidence of witnesses 1 and 2 examined on behalf of the workmen revealed that they were office-bearers even during the period of the incident. It is also in evidence that they were the ring leaders of the agitation which was taken up against the management. They took active part in the strike. As against the evidence of the workmen there was no evidence worth the name on the side of the management to show that they were not office-bearers of the local branch of the union much less they were active workers of the union. This was a circumstance to indicate that the management could have had some grudge against the workmen. That leads to the conclusion that the circumstance made out in the case will point to a case of victimisation of the workmen at the instance of the management.

11. On these grounds, I find that the dismissal order passed against the three workmen in question on 19-6-1972 by the management of Damoda colliery is not valid and binding on them.

12. The next question is whether the workmen should be reinstated or they should be paid compensation for the loss of employment. The evidence of the workmen is that they had never been paid any wages after they were suspended from service with effect from 14-4-1972. There is also evidence that they were not employed elsewhere after their suspension and later dismissal. The discretion vested in the tribunal for reinstating a dismissed workman to service has to be exercised with great care as it may not be a light matter to force an employee on an unwilling employer on the plea of industrial harmony. If a workman is wrongfully and unjustifiably discharge or dismissed the normal rule is that he must be reinstated to his former service. However, there are exceptions to this rule. In Punjab National Bank Ltd. v. Their workmen, 1959 II LLJ, p. 666, it is laid down that no hard and fast rule could be made out in dealing with this problem and each case has to be considered on its own merits and in reaching the final decision an attempt must be made to reconcile the conflicting claims made by the employee and the employer. And yet in the interest of security of employees service and for protecting him against wrongful dismissal from service it held that the normal rule would be reinstatement in such cases. But in certain other cases exceptions to this rule had been pointed out. In Assam Oil Co., Ltd., v. Its Workmen, 1960 I LLJ, p. 587, Gajendragadkar, J., observed :

"There is no doubt that the normal rule is that in cases of wrongful dismissal the dismissed employee is entitled to reinstatement, but there can be cases where it would not be expedient to follow this normal rule and to direct reinstatement. It is no doubt true that in this respect the effect of the employer's plea that he has lost confidence in the dismissed employee cannot ordinarily be exaggerated. However, in the circumstances of the instant case, the relief by way of substantial compensation in lieu of reinstatement was held reasonable and justified."

The observation in Samnuggur Jute Factory Company, Ltd. and Their Workmen, 1964 I LLJ, p. 634, at page 637, is as follow:

"There may however be cases in which industrial adjudication may take the view that if the case presents certain unusual features reinstatement may not be granted and compensation instead may meet the ends of justice."

On a review of these cases, however, no clear guideline as to what types of cases and what unusual features would warrant compensation in lieu of reinstatement is discernible. It can be said generally that each case has to be decided on its peculiar facts.

13. Regarding the past conduct of the three workmen in question there have been no evidence on the part of the management to show that there had been any adverse conduct against them. On the contrary the evidence is that they had been good workmen and there had been no comment on their conduct or character antecedent to the alleged incident. It can also be pointed out in this case that the alleged conduct of the workmen on 11-4-1972 will have no repercussion whatsoever in the present set up of the colliery. The colliery had been taken over by the Government of India. There is no evidence that the victims of the alleged incidence will again be the officers of the workmen after reemployment. There was no case that the management had no faith in the workmen or that their presence in the colliery would have some bad repercussion. In deciding the question as to whether a workman should be given relief of reinstatement or compensation to meet the ends of justice, the conduct of the employee is mainly one of the relevant matters that has to be taken into consideration. Having found that their conduct was not reported to be unsatisfactory, there is no ground to allow compensation in this case. There is no case also that the employer had lost confidence in the workmen and that, therefore, these workmen shall not be reimposed on an unwilling employer. If in all cases of this type the management were to say that unwilling employer shall not be directed to take over the dismissed workmen, there would be difficulty in the application of normal practice of reinstatement. If such a contention is allowed to prevail the industrial employees who are illegally or unjustifiably dismissed would never get the relief of reinstatement. In this regard reference may be made to a decision reported in the case of the Management of Panitole Tea Estate and The Workmen, 1971 I LLJ, p. 233. The relevant passage reads as follows :

"The question whether on setting aside the wrongful dismissal of a workman he should be reinstated or directed to be paid compensation is a matter within the juridical discretion of the Labour Court or the Tribunal, dealing with the industrial dispute, the general rule in the absence of any special circumstances being of reinstatement. In exercising this discretion, fair-play towards the employee on the one hand and interest of the employer, including considerations of discipline in the establishment, on the other, require to be duly safeguarded. This is necessary in the interest both of security of tenure of the employee and of smooth and harmonious working of the establishment. Legitimate interests of both of them have to be kept in view if the order is expected to promote the desired objective of industrial peace and maximum possible production. The past record of the employee, the nature of the alleged conduct for which action was taken against him, the grounds on which the order of the employer is set aside, the nature of the duties performed by the employee concerned and the nature of the industrial establishment are some of the broad relevant factors which require to be taken into consideration..... Proper balance has to be maintained between the conflicting claims of the employer and the employee without jeopardising the larger interests of industrial peace and progress... The general rule of reinstatement in the absence of special circumstances was also recognised... no hard and fast rule as to which circumstances would establish an exception to the general rule could be laid down and the Tribunal must in each case decide the question in a spirit of fairness and justice in keeping with the objectives of industrial adjudication."

On consideration of these decisions and other circumstances of the case, I feel that this is a fit case where fairness and justice require that the workmen shall be reinstated with full back wages. The back wages shall be paid by the Damoda Colliery owned by the Damoda Coal Company Private Ltd., upto the date of nationalisation of the coal mine. The back wages after the nationalisation shall be paid by the Coal Mines Authority.

14. In the result, the reference is answered in favour of the workmen setting aside the dismissal order dated 19-6-1972 and reinstating them to their former offices under the Coal Mines Authority as expeditiously as possible. The back wages upto 30th April, 1973 shall be paid by the Damoda Colliery owned by Messrs Damoda Coal Company Private Limited and thereafter from 1st May, 1973 the back wages shall be paid by the Coal Mines Authority Limited.

An award is passed accordingly.

Calcutta, the 16th June, 1975.

#### ORDER

The question that arises for determination in this reference at this stage is as regards the legality of validity of the domestic enquiry which was held by the management resulting in the dismissal of their three workmen, Sarva Shri Binayak Singh, Chaprasi, Ch. Lachman Singh, Night guard and Algu Singh, Mining Sirdar.

2. The dismissal order was passed by the Managing Director Damoda Colliery where those three workmen were employed on 19-6-72 after the domestic enquiry was conducted on 8th, 9th and 11th May, 1972. The Damoda Colliery had been taken over by the Government of India under the Coal Mines Nationalisation Act with effect from 1-5-1973. The Coal Mines Authority is the Opposite party which supports the validity or legality of the enquiry. These workmen, on the other hand, raise the contention that the enquiry was not properly held. In paragraph 18 of the written statement dated 18th December, 1974 certain irregularities of the enquiry had been pointed out by the Union. It is stated that no proper enquiry was held and the concerned workmen were denied reasonable opportunity of defending themselves and that the pretended enquiry was vitiated by gross violation of the principles of natural justice. Among other things they contend that the following are the infirmities of the said pretended enquiry, (a) the proceedings were not recorded properly. In spite of workmen's protest the proceedings were recorded in English for some ulterior motives and the proceedings were not explained; (b) no proper scope was given to make their statements; (c) no scope was given to cross-examine the company's witnesses; (d) defence witnesses were not allowed to adduce evidence; (e) copies of the documents were not supplied either before or at the time of enquiry; (f) no representative of the workmen was allowed and (g) the enquiry officer was biased. It is further stated that the concerned workmen had no knowledge of English.

3. Both sides agreed that even after amendment of Sec. 11A of the Industrial Disputes Act, 1947, the employer and employee can adduce evidence regarding the legality or validity of the domestic enquiry if it had been held by an employer. On the basis of that agreement the management has examined the enquiry officer himself as a witness. On behalf of the workmen Algu Singh, one of the dismissed workmen was examined as a witness. Sri Sunil Sen, Organising Secretary of Colliery Mazdoor Sabha was also examined on behalf of the workmen.

4. The domestic enquiry was conducted by one Sri S. K. Mukherjee, a practising Advocate of Durgapur Court who had been practising law since 1968. He conducted an elaborate enquiry in the proceeding. On behalf of the management he examined as many as 9 witnesses in the case. All the three workmen were also examined before him. A co-worker of the aggrieved workmen helped the workmen at the enquiry. The enquiry was held on 8th, 9th and 11th May, 1972. Even before the enquiry was started the management had sent the chargesheets against the workmen on 17-4-72 and they were also kept under suspension. The chargesheets and suspension letters were issued on 17-4-1972. They were sent through the colliery peon and the fact of the service was entered in the Peon Book. But the workmen refused to accept the chargesheet. As the receipt of chargesheet constituted a misconduct under the Standing Orders of the colliery separate chargesheet for the same misconduct was also issued on 18-4-1972 against the workmen. The aforesaid chargesheet together with the chargesheet dated 17-4-1972

and the suspension orders were sent to each of the concerned workmen by registered post again on 18-4-1972. Binayak Singh refused to accept the cover containing the chargesheet and the suspension order but the other two workmen received the same on 26-4-1972. On receipt of the undelivered cover addressed to Binayak Singh another letter was sent by the colliery to him on 25-4-1972 enclosing therewith copies of both the aforesaid chargesheets and also informing him about the holding of domestic enquiry and the appointment of an enquiry officer therefor. These letters sent through a peon were duly entered in a Peon Book and also by registered post with acknowledgement due. They were also duly received by Sri Binayak Singh. Finally all the workmen submitted their explanation to the chargesheet prior to holding of the domestic enquiry and the domestic enquiry was held thereafter by the Advocate, an independent person in the presence of the three accused workmen.

5. The enquiry officer in several of the depositions recorded in presence of the three workmen made a note that the statement of witnesses had been read over to the workmen and explained to them in their language. The workmen had no defence witness to be examined on their behalf. They also did not cross-examine any of the prosecution witnesses. In their evidence Ch. Lachaman Singh stated that on 11-4-1972 he was not at the station and he had also nothing to say further in the matter. In the examination of Binoyak Singh he stated that on 11-4-1972 he was on duty in the colliery and he had no knowledge about the allegations made. The statement of Algu Singh was that on 11-4-1972 he was in the colliery and the case was falsely foisted on him. The case against these three workmen was that on 11-4-1972 they trespassed into office building of the colliery, threatened the result that the shirt of the person was torn. They were also abused in vulgar language. They created a reign of terror in the office. Due to the threat of life, intimidation and coercion the office staff was very much agitated and excited. The conduct of these workmen was found to be highly objectionable and therefore the victims of the tragedy filed a complaint before the management on 12-4-1972 on the basis of which the enquiry proceeding was started with due notice of charges framed against the workmen. The incident on 11-4-1972 at 10 a.m. was found to be an offence of misconduct as defined in sub-clause (xviii) of clause 18(a) of the Company's Standing Orders and the failure to receive the chargesheet was found to be an offence under sub-clause (xxiii) of clause 18(a). The relevant provisions of the standing order are specified and quoted in the charges.

6. With regard to the dates of the enquiry the case of the workmen cannot be accepted. The workmen alleged that the enquiry was held only on 8-5-1972. The enquiry officer gave evidence that the enquiry was held on 8th, 9th and 11th May, 1972. In support of his contention there is the documentary evidence. This contention of the management appears to be probable because the objection to the enquiry was taken by the union as well as the workmen only on 12-5-1972 vide Exts. W-3 and W-13. If any enquiry had been held only on 8th May, 1972 as contended by the workmen it would have been possible for them to record their objections even off 9-5-1972. The fact that they recorded their objections on 12-5-1972 was an indication that the enquiry was held on 8th, 9th and 11th May, 1972. There is no reason to discard the evidence of the enquiry officer in this regard. The evidence was based upon the record he maintained during the enquiry. It is also not correct to say that the enquiry officer failed to explain to the workmen the substance of the statements which the witnesses of the management gave in the language known to the workmen. It cannot be disputed that the enquiry officer would be in a position to translate English into Hindi language with which the workmen are conversant. They had no case either in Ex. W-3 or in Ex. W-13 that the substance of the deposition and other proceedings was not explained to them in any other language during the enquiry. Their case was that their witnesses were not allowed to be examined and that their statements were not properly recorded. Ex. W-13 dt. 12-5-1972 was the joint representation by the workmen to the Domoda colliery regarding the mode of domestic enquiry. That the workmen had no witnesses to be examined on their side had been brought out even in their examination before the enquiry officer. They also did not cross-examine the witnesses of the management. Each one of the workmen was separately examined. They pleaded that they were not at the station during the incident and that they did not know the incident alleged against them. In the nature of the defence they took up, it is not likely that they would have been denied their right to summon defence witnesses. In Ex. W-3 which is the repre-

sentation by the union no allegation was made as regards the nature of the enquiry though that representation was also sent on 12-5-1972. The only complaint in Ex. W-3 is that the workmen had been suspended without sufficient ground. It would therefore appear that the workmen had no consistent case with regard to the nature of the enquiry conducted against them. The enquiry officer has given evidence and he states that he gave ample opportunity to the workmen to adduce evidence in the case in support of their defence. The workmen also did not state in their statement that they wanted any defence witness to be examined.

7. The proceeding against the workmen was started on the basis of a written complaint which is given by the victims of the incident to the Managing Director of the colliery on 12-4-1972. That complaint forms part of the record and it was exhibited in the case. One of the contentions raised by the workmen is that the copy of that complaint was not given to them either before the enquiry or during the enquiry. In view of the nature of defence taken up by the workmen failure to serve a copy of the complaint on them before the enquiry does not appear to be very important in the circumstances of this case. It is true that the prosecution is bound to supply all the documents on which they rely against the accused person in any enquiry or trial before such enquiry or trial is commenced. But that sole circumstance by itself will not vitiate an enquiry or trial unless it is proved that the accused person is prejudiced in his defence on account of the failure of the prosecution to supply any particular document on which they rely. The defence of the workmen in this case is a bare denial of the entire incident. As a matter of fact, the contents of the complaint had been incorporated in the respective charges levelled against the workmen. The charges will reveal that the incident took place at the office of the colliery on 10 A.M. on 11-4-1972. The workmen had no case that they were present at the colliery office during the incident. On the other hand they pleaded alibi; but they did not substantiate their case of alibi. The complaint in question had been exhibited during the enquiry and every word in the complaint had been spoken to by all the witnesses examined in the case on behalf of the management. The persons who signed the complaint had also been examined before the enquiry officer. Taking into consideration these circumstances I am of the opinion that the failure to supply a copy of the complaint in the circumstances of the case would not amount to failure of natural justice. The allegation that no opportunity was given to make their statement or to cross-examine the witnesses of the management or that they were not allowed to examine defence witness cannot be accepted. There was no reliable evidence that the enquiry officer was biased. It cannot also be said that the enquiry officer did not record the evidence properly.

8. On behalf of the management nine witnesses had been examined in the case but the workmen did not choose to cross-examine them. They were assisted by a co-worker. The enquiry was held on three days. The enquiry officer explained the substance of the evidence to the workmen by translating the same in their language. He made a record of that fact in the margin of the deposition of the witnesses. It cannot be said that the enquiry officer was in any manner connected with the management. It was true that he conducted an enquiry in an allied concern of the same management but the result of the enquiry was the acquittal of the workmen. He denied that he gave any legal advice to the management in any other labour disputes. There was nothing to show any connection between the enquiry officer and the management. He was found to be a practising lawyer who had not used to grind against the workmen. Under these circumstances there is no reason to think that the enquiry is invalid or it is in any way vitiated. However, I do not propose to give any opinion as to the contention of the workmen that the enquiry was vitiated on account of their victimisation by the management or that it was vitiated by any bad labour practice. Those contentions will be considered only after giving a chance to the management as well as to the workmen to adduce evidence in support of those contentions. It is sufficient for the present to say that prima facie the enquiry is valid and it is not vitiated by any other irregularity or illegality.

9. The reference will be posted to 5-5-1975 for hearing both the parties regarding other contentions raised in the written statements.

Inform parties accordingly.

25-3-1975.

E. K. MOIDU, Presiding Officer  
[No. L-19012/86/72/-LR II/D.O. III R]  
S. H. S. IYER, Section Officer (Sp.)